

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 COURTNEY LINDE, ET AL.,)

4 Plaintiffs,)

7 -against-)

10 ARAB BANK, PLC,)

11 Defendant.)
12 _____)

04CV02799 (BMC)

And all related cases:

04CV05449 (Litle)

04CV05564 (Almog)

04CV00365 (Coulter)

05CV00388 (Afrait-Kurtzer)

05CV03183 (Bennett)

05CV03768 (Roth)

06CV01623 (Weiss)

United States Courthouse
Brooklyn, New York

TUESDAY, AUGUST 26, 2014

13 TRANSCRIPT OF CIVIL CAUSE FOR JURY TRIAL
14 BEFORE THE HONORABLE BRIAN M. COGAN
15 UNITED STATES DISTRICT JUDGE

16 APPEARANCES:

17 FOR PLAINTIFFS LINDE
AND COULTER:

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(APPEARANCES CONT.)

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produced by computer-assisted transcript.

Proceedings

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1 (Outside the presence of the jury.)

2 THE COURT: Let's have the jury, please.

3 (In the presence of the jury.)

4 THE COURT: All right. Be seated. Good morning,
5 ladies and gentlemen.

6 THE JURORS COLLECTIVELY: Good morning.

7 THE COURT: I want to express my appreciation to
8 both the lawyers and the jury for being so prompt in this
9 case. I will tell you, many, if not most, cases, when I say
10 we're going to start at a certain time, either the lawyers, or
11 the jury or both think, well, the judge really means 10 or
12 15 minutes later, and I really don't. And I have to patiently
13 explain that to everyone, and I haven't had that in this case,
14 so thank you all for moving things along as quickly as
15 possible. Let's resume examination. We'll have the witness
16 back.

17 MR. TURNER: May the translators come up?

18 THE COURT: Sure. These translators look different.
19 I say that because I think they need to be sworn.

20 Have a seat, Mr. Shaked.

21 THE CLERK: Raise your right hand. Do you solemnly
22 swear or affirm that you will well and truly interpret the
23 proceedings before this Court in this case.

24 THE INTERPRETER 1: I do.

25 THE INTERPRETER 2: I do.

Proceedings

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1 THE CLERK: Please state and spell your name for the
2 reporter.

3 THE INTERPRETER 1: Neri Sevenier, N-e-r-i,
4 S-e-v-e-n-i-e-r.

5 THE INTERPRETER 2: Michal, Marin, M-i-c-h-a-l,
6 M-a-r-i-n.

7 THE CLERK: Thank you. Be seated.

8 THE COURT: All right. Mr. Turner, you may inquire.

9 MR. TURNER: Thank you, your Honor.

10 RONNI SHAKED,
11 having been previously duly sworn, was examined, and testified
12 further as follows:

13 DIRECT EXAMINATION (CONTINUED)

14 BY MR. TURNER:

15 Q Where we left off yesterday, we were beginning to talk
16 about the Sbarro Pizzeria bombing, in August of 2001.

17 MR. TURNER: Is it permissible to put the slide up,
18 your Honor?

19 THE COURT: Sure. Do you want the lights dim?

20 MR. TURNER: No, sir. We're fine.

21 Q Mr. Shaked, did you have an opportunity to conclude who
22 was the suicide bomber at the Sbarro Pizzeria in Jerusalem, in
23 August of 2001?

24 A Yes.

25 Q What was the suicide bomber's name?

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1 A Az a din Masri.

2 Q Were you able to determine whether he acted alone or
3 whether he was acting for and on behalf of Hamas?

4 A On behalf of Hamas.

5 Q Now, before we talk about the other individuals that you
6 concluded were involved in this particular attack, can you
7 give us not idea of where Sbarro Pizzeria in Jerusalem is?

8 A This pizzeria is at the center of the city of Jerusalem,
9 the heart of the city, in a junction between two main streets.
10 And if I could compare it on a smaller scale, it might be
11 compared to Times Square in New York.

12 Q Where is your office -- or where was your office in
13 relation to Sbarro Pizzeria, at the time, in Jerusalem?

14 A About 200 meters away.

15 Q Were you at the office at the time of this bombing?

16 A I was.

17 Q Did you hear the bombing?

18 A I heard it.

19 Q Did you see smoke from the bomb?

20 A I seen the smoke that came out from that place.

21 Q Did you feel the bomb?

22 A I felt the tremor in the building.

23 Q Did you go to the scene?

24 A I went there as fast as I could.

25 Q Approximately how long did it take you to get there after

SHAKED - DIRECT - TURNER

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1 you heard, felt and saw the smoke from the bomb?

2 A It took a very short time; perhaps two or three minutes.

3 Q Now, going back to your chart just a moment, again, the
4 third attack in a row, Ayman Halawa was involved in this
5 attack, according to your chart. What role did Ayman Halawa
6 play?

7 A Ayman Halawa was the Hamas commander Nablus, and he was
8 the one who authorized the bombing.

9 Q And on the upper right, you have somebody named Adwan.
10 What role did Adwan play in this particular attack?

11 A Qeis Adwan was the Hamas commander in the Jenin area, and
12 he was the man who recruited the suicide bomber.

13 Q And this Abdullah Barghouti is shown in the middle. Is
14 that the same Barghouti we talked about earlier yesterday?

15 A It is the same Barghouti.

16 Q And what was his role in this particular attack?

17 A Barghouti was a Hamas engineer, and he built the bomb
18 that exploded.

19 Q Is Abdullah Barghouti the one you interviewed personally
20 in prison?

21 A Yes, I interviewed him.

22 Q This particular bomb at Sbarro Pizzeria, were you able to
23 determine how the bomb was delivered to the sight? In other
24 words, was it a belt? Was it a vest? Was it a briefcase?
25 What was it?

SHAKED - DIRECT - TURNER

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1 A No, it was not a belt. It was not a suitcase. One was
2 put inside a guitar to camouflage it.

3 Q How do you know that?

4 A I determined this on the basis of different findings,
5 testimonies from Hamas, testimonies of organizations within
6 the state of Israel; findings in the scene, and in particular
7 the personal interview awarded to me by the participants.

8 Q Were you able to cross-check the various sources of
9 information in order to confirm the delivery system for the
10 bomb?

11 A Of course, I did.

12 Q Is cross-checking important when you're doing the type of
13 thing you were doing in this particular instance?

14 A Cross-referencing is extremely important, to make sure
15 that all the details are known accurately and all the way.

16 Q Now, on the right-hand side of your slide, there's a lady
17 shown, Ahlan Tamini. Am I pronouncing that correctly?

18 A There is a picture of a lady, and her name is Ahlan
19 Tamini.

20 Q What role did Tamini play in this particular terrorist
21 attack?

22 A Tamini led the suicide bomber. She found the place where
23 he was supposed to explode, she accompanied him to that place
24 and pointed it out for him.

25 Q Now, based upon your investigation, was Tamini's role in

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1 this particular attack, the fact that a woman was involved,
2 was that significant in your investigation?

3 A Yes, it was important role.

4 Q Why?

5 A Because in order to hide the suicide bomber, and to get
6 into the western part of Jerusalem, it was necessary to create
7 a sort of image of the couple getting strong (phonetic) in
8 Jerusalem. Tamini did dress in a free way, with a
9 short-sleeved shirt and led the suicide bomber as if he was
10 her spouse.

11 Q Now, there's an individual in the middle of the slide,
12 Muhammad Daghlās. What role did Daghlās play?

13 A Muhammad Daghlās supplied means; for example, renting an
14 apartment and also created the contact with whom Tamini, whom
15 he had recruited.

16 Q And, finally, Bilal Barghouti. Was Bilal Barghouti
17 related to Abdullah Barghouti?

18 A Yes, he is his uncle.

19 Q And what role did Bilal Barghouti play in this particular
20 attack?

21 A He -- Bilal is a senior Hamas operative, and he put the
22 bomb inside the guitar and gave it to the suicide bomber. He
23 adapted the guitar to the suicide bomber.

24 MR. TURNER: Now, let's take a look -- if you could
25 show the witness only, 3324.

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1 Q We're going to talk for a minute, Mr. Shaked, about the
2 sources of information you had available for this particular
3 attack. First of all, do you recognize 3324?

4 A Yes.

5 Q Is this the official claim of responsibility by Hamas for
6 the attack in Sbarro Pizzeria in Jerusalem?

7 A Yes, this is the official claim of responsibility by
8 Hamas.

9 Q What is the source of this official claim of
10 responsibility?

11 A This is from the official site of ad-Din al-Qassam
12 Brigade, the military arm of Hamas.

13 MR. TURNER: We offer 3324 into evidence.

14 THE COURT: Same objection?

15 MR. INGERMAN: Yes, your Honor.

16 THE COURT: Received over objection.

17 (Plaintiffs' Exhibit 3324 was received in
18 evidence.)

19 MR. TURNER: Let's put that up.

20 THE COURT: Okay.

21 MR. TURNER: I believe we have a slide. Mr. Miller,
22 can you focus in on the English translation on the right-hand
23 side, please, and primarily the description.

24 Q Now, this indicates a military proclamation by the Martyr
25 Izz ad-Din al-Qassam Brigades. Is that Hamas?

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1 A Indeed, it is Hamas. It is the military arm of Hamas.

2 Q There's a sentence that says by the grace of Allah and
3 his assistance, the holy warrior of al-Qassam: Izz ad-Din
4 Shuhayl Ahmad al-Masri from the village of Aqabah in the
5 al-Qassam Governorate of Jenin has carried out today;
6 Thursday, August 9, 2001, 19th of Jumada al-Ula, 1422 Hijri -
7 at noon, an act of martyrdom in the middle of -- it says
8 Sbarro Restaurant, in the heart of occupied Jerusalem.

9 What does that tell you about whether or not the
10 suicide bomber was acting for and on behalf of Hamas,
11 Mr. Shaked.

12 A For me, this is an official announcement, a claim of
13 responsibility by Hamas for the Sbarro bombing.

14 Q Is the picture of al-Masri on the official claim of
15 responsibility the same photograph that you have shown on your
16 slide?

17 A Yes, indeed, this is a suicide bomber.

18 Q So the two photographs are the same person?

19 A Yes.

20 Q Now, did you have access to an Israeli Security Agency
21 report that summarized this attack as well?

22 A Yes.

23 MR. TURNER: Your Honor, this is already in
24 evidence. May we display 3811?

25 THE COURT: You are.

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1 MR. TURNER: Now, this is a particular section out
2 of Exhibit 3811 that pertains to the Sbarro Pizzeria attack.
3 Can you blow that up at all for us?

4 Q Now, did the ISA, the Israeli Security Agency, identify
5 the same suicide bomber as you?

6 A Yes.

7 Q And did the Israeli Security Agency also identify Bilal
8 Barghouti and Muhammad Daghlis as participants in this
9 particular attack?

10 A Yes, sir.

11 Q And how about Abdulla Barghouti?

12 A He was also identified.

13 Q Now, in this particular attack, did you also have access
14 to actual conviction records in the court system within
15 Israel, where the participants were convicted of these crimes?

16 A Yes.

17 MR. TURNER: May we show Mr. Shaked only 3301,
18 please.

19 Q Can you identify 3301?

20 A I do identify it.

21 Q And what is 3301?

22 A This is actually the verdict regarding Ahlan Tamini and
23 her involvement in the terror attack, in the cafe.

24 MR. TURNER: We offer 3301 as a possible conviction
25 of Tamini for this particular attack.

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1 MR. INGERMAN: Same objection.

2 THE COURT: All right. Overruled. It is received.

3 (Plaintiffs' Exhibit 3301 was received in
4 evidence.)

5 Q Would you show Mr. Shaked 3300. Do you recognize 3300?

6 A Yes.

7 Q What is 3300?

8 A This is a decision regarding Muhammad Daghlras by the
9 court which issued his sentencing.

10 MR. TURNER: We offer 3300 as conviction of Daghlras
11 for his role in the bombing.

12 THE COURT: Just so the record is clear, you're
13 objecting to the Apostille documents as well?

14 MR. INGERMAN: Yes, your Honor.

15 THE COURT: That's overruled as received.

16 (Plaintiffs' Exhibit 3300 was received in
17 evidence.)

18 MR. TURNER: Put up 3205, please.

19 Q Do you recognize 3205?

20 A Yes.

21 Q What is 3205?

22 A This is also the sentencing that was issued by the court
23 to the terrorists who had perpetrated the attack at Sbarro.

24 MR. TURNER: We offer 3205 as an Apostille
25 conviction of Bilal Barghouti.

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1 THE COURT: That's received over objection.

2 (Plaintiffs' Exhibit 3205 was received in
3 evidence.)

4 Q I would you show the witness 3336, please. Do you
5 recognize 3336?

6 A Yes.

7 Q What is 3336?

8 A This is the sentencing that was issued to Abdulla
9 Barghouti.

10 Q This particular document is not Apostille. Were you in
11 attendance at the trial, Mr. Shaked?

12 A Yes, I did attend the trial, and I was also there when
13 the sentencing was read out.

14 Q So you were personally present in the room at the time of
15 the sentencing?

16 MR. INGERMAN: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: Yes.

19 Q And was Abdulla Barghouti required to allocute or explain
20 his role in the terrorist attack?

21 A Abdulla Barghouti did speak up, and said what he had to
22 say and gave his excuses for perpetrating this attack before
23 the sentencing was read.

24 Q After the sentencing, did you obtain a copy of 3336,
25 which you're looking at on the screen?

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1 A Yes, I did receive.

2 Q And is 3336 a fair and accurate representation of what
3 you heard in the courtroom and also received from the court on
4 the day of Abdulla Barghouti's sentencing?

5 A Yes.

6 MR. TURNER: We offer 3336.

7 THE COURT: Same objection?

8 MR. INGERMAN: Yes, your Honor.

9 THE COURT: It's overruled. The document is
10 received.

11 (Plaintiffs' Exhibit 3336 was received in
12 evidence.)

13 Q Now, let's move to memorialization. Did you have an
14 opportunity to examine any evidence indicating that Hamas
15 actually put on the ceremony for this particular suicide
16 bomber, Mr. Shaked?

17 A Yes.

18 MR. TURNER: Would you show the witness 3306,
19 please?

20 Q Do you recognize 3306, Mr. Shaked?

21 A Yes, I do.

22 Q What is 3306?

23 A Yes, this was an ad or some kind of announcement in the
24 newspaper issued by the Hamas which invites --

25 MR. INGERMAN: Objection, your Honor.

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1 THE COURT: Just describe it generically.

2 THE WITNESS: This is an ad from a newspaper that
3 invites the public to attend a ceremony in memory of the
4 suicide bomber.

5 Q Did you use this particular piece of information in
6 trying to answer the question of what evidence exists
7 connecting Hamas to the suicide bomber?

8 A Yes.

9 Q Is this one of the types of information you used to
10 cross-check your sources in your methodology?

11 MR. INGERMAN: Objection. Form.

12 THE COURT: Overruled.

13 THE WITNESS: Yes.

14 Q Is the word "Hamas" in the invitation?

15 A The word "Hamas," indeed, appears there, as well as the
16 emblem of the Hamas appear on the publication.

17 Q Does the suicide bomber's name appear on the invitation?

18 A Yes, the name of the suicide bomber also appears there.

19 Q And what is the source of the newspaper?

20 MR. TURNER: We offer 3306.

21 THE WITNESS: This is a paper, a Palestinian
22 newspaper, an ordinary one, which is circulated regularly
23 within the Palestinian society. It is called El Ayaam.

24 MR. TURNER: Excuse me. I apologize. We offer
25 3306.

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1 MR. INGERMAN: Objection.

2 THE COURT: Let me see counsel at sidebar.

3 (Sidebar held outside the presence of the jury.)

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Sidebar

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1 (Sidebar)

2 THE COURT: I think I'm going to admit the document
3 with a limine instruction that the jury is not to consider it
4 for the truth of what it asserts, but only as one of the
5 sources of information that the expert considered in reaching
6 his opinion so that it can determine how much weight to give
7 to his opinion. In doing that, I'm not inclined to send it
8 into the jury room with the other exhibits when they
9 deliberate, although I might give it to them if they ask for
10 it during deliberations. I take it that does not satisfy your
11 objection?

12 MR. INGERMAN: It does not, your Honor.

13 THE COURT: That's my ruling.

14 (Sidebar concluded.)

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1 (In the presence of the jury.)

2 THE COURT: We have a technical timeout.

3 Ladies and gentlemen, I'm going to receive this
4 exhibit for the limited purpose of helping you evaluate this
5 witness' opinion. You are not to take the matters stated in
6 this newspaper article as true, but they are something that he
7 relied upon in reaching his opinion, and it's his opinion that
8 you're going to have to evaluate.

9 You may proceed.

10 MR. TURNER: May we put the translated version on
11 the screen?

12 THE COURT: You may.

13 Q Mr. Shaked, take a moment, if you would, and read through
14 that to yourself. And what I need for you to tell us is why
15 is this significant if you're evaluating the relationship
16 between Hamas and the suicide bomber at the Sbarro Pizzeria,
17 in terms of their relationship?

18 Now, this word has referenced several times in there
19 called ishdishotti (phonetic). What does that mean,
20 ishdishotti (phonetic)?

21 THE INTERPRETER: I didn't translate the answer.

22 MR. TURNER: I'm sorry.

23 THE WITNESS: The way I read it, this is not just --
24 this is not about the death of a person, but, rather, this is
25 a wedding, and it is also emphasized that the entity which

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1 invites to this wedding is Hamas movement in Jenin, the Qassam
2 brigade, which are the military arm, and this shows us a
3 direct link between the person, Izz ad-Din Masri, and the
4 announcement and the ceremony.

5 Q Now, going back to the question I asked a moment ago,
6 this word ishdishotti (phonetic), what does this mean?

7 A In Arabic this means the person who dies for the sake of
8 Allah. This is somebody that it is no coincidence, his death.
9 He dies during the perpetration of a terror attack for the
10 sanctity of Allah. In this case, this was a suicide bombing.
11 He's not just -- he doesn't just die, he's actually looking
12 for death.

13 Q Now, finally, in addition to the other sources of
14 information, is this one of those attacks where you had an
15 opportunity to actually interview some of the people involved
16 in this particular attack?

17 A Yes, I did have a chance to interview some of the people;
18 Abdulla Barghouti, Bilal Barghouti, Muhammad Daghlis and Ahlan
19 Tamini.

20 Q Now, in communicating with these individuals, did they
21 openly communicate with you about the details associated with
22 this bombing and their interaction with one other?

23 A Yes, they spoke very openly, and I would even say that
24 they were happy and willing to discuss it.

25 Q And in your communications with Abdullah Barghouti, did

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1 he provide you with details about the bomb itself that you
2 were able to cross-check through other sources to confirm?

3 MR. INGERMAN: Objection, your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Yes, Abdulla did provide details to
6 me.

7 Q Were you able to also interview the mother of the suicide
8 bomber?

9 A Yes, I did interview both the mother and the father of
10 the suicide bomber.

11 Q And did you videotape that particular interview?

12 A Of course, I did.

13 Q And that particular video is marked as 3285. Mr. Shaked,
14 during the course of that interview, did you receive
15 information that helped you cross-check some of the details
16 about the relationship between Hamas and the suicide bomber?

17 A Yes.

18 Q And did that information further lead you to conclude
19 that your analysis was correct?

20 A Yes.

21 Q Did you also have an opportunity to investigate the
22 bombing at Ben Yehuda in December of 2001, at approximately
23 11:30 at night?

24 A Yes.

25 Q How many people were killed in this particular attack?

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1 MR. TURNER: May we put the slide up by the way,
2 your Honor?

3 THE WITNESS: Eleven people were killed.

4 Q And how many were reported to be injured in this
5 particular terrorist attack?

6 A One hundred and fifty-eight people.

7 Q Were you able to identify during the course of your
8 investigation who the suicide bombers were in this particular
9 attack?

10 A Yes.

11 Q And who were the suicide bombers?

12 A Two suicides bombers were in Nabil Halabiya and Osama
13 Bahar.

14 Q Were you able to determine whether they were acting alone
15 or whether they were acting for Hamas in this attack?

16 A Both of them acted on behalf of Hamas, for Hamas and as
17 members of Hamas.

18 Q First of all, just to sort of place the setting as a
19 background, where's Ben Yehuda in Jerusalem?

20 A Ben Yehuda is a strip in the center of Jerusalem, a
21 pedestrian street, with coffee houses, with restaurants and a
22 large shopping center.

23 Q Where in relation to your office is Ben Yehuda?

24 A Like 50 meters. A few step.

25 Q Were you at the office at 11:30 at night, on

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1 December 1, 2001, at the time of the Ben Yehuda bombing?

2 A No, it was towards midnight. I was not there.

3 Q How quickly after the attack did you learn of the attack?

4 A A few minutes after the bombing, I was already on my way
5 there.

6 Q Can you give us an estimate of approximately how long it
7 took you to get to the scene of the terrorist attack at
8 Ben Yehuda?

9 A I would say 15 to 20 minutes, at the most.

10 Q Now, your chart indicates that Abdullah Barghouti again
11 was involved in this particular attack. Were you able to
12 confirm that in your interview with Barghouti?

13 A Yes, I could confirm that in an interview.

14 Q You have a terrorist on here named Jamal Al-Tawil. What
15 was his role in this particular attack and who was he?

16 A Jamal Al-Tawil is, in fact, a Hamas leader. He was
17 responsible for Al-Islah, the charity of Ramallah, of Hamas in
18 Ramallah; and he was the one who connected between the suicide
19 bombers and the senior commander of Hamas, Ibrahim Hamel.

20 Q So the jury understands sort of understands where
21 Ramallah is in relation to Jerusalem, how far is Jerusalem
22 from Ramallah?

23 A Ramallah is north of Jerusalem, at a distance of,
24 perhaps, 15 or 20 kilometers, which is 12 or 13 miles.

25 Q At the time, was Ramallah considered to be part of the

Sidebar

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1 West Bank?

2 A Yes, Ramallah is part of the West Bank.

3 Q Your slide indicates that Al-Tawil was the chairman of
4 Al-Islah Charitable Society. What was the Al-Islah Charitable
5 Society at the time of this attack?

6 A This society was established in order to create dowa
7 (phonetic), which means to help Hamas economically,
8 financially, Hamas, with all its arms and parts.

9 MR. INGERMAN: Your Honor, may we approach?

10 THE COURT: Yes.

11 (Sidebar held outside the presence of the jury.)

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Sidebar

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1 (Sidebar)

2 MR. INGERMAN: Your Honor, I think this is beyond
3 the scope of his opinion and expert report. Al-Islah is not
4 mentioned anywhere in his expert report. Now, he's going
5 beyond that, into whether or not sekot (phonetic) is part of
6 Hamas. And they're trying to bootstrap into his testimony
7 something that's beyond the scope and was not presented, and I
8 would move to strike the testimony.

9 MR. OSEN: Jamal Tawil is in the report. He's
10 always been there. He's been identified both in Mr. Levitt's
11 testimony and in Mr. Shaked's. I don't think Mr. Turner
12 intends to go beyond the question he offered, but he's
13 entitled to identify who the cutout between the bombers and
14 Mr. Hamed was.

15 THE COURT: I think it's within his opinion so far.
16 If you were to go where counsel says he doesn't want you to
17 go, then I agree it would exceed the bounds of his opinion,
18 but we're not there yet. Please be sensitive to that.

19 (Sidebar concluded.)

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SHAKED - DIRECT - TURNER

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1 (In the presence of the jury.)

2 MR. TURNER: May I proceed?

3 THE COURT: You may.

4 MR. TURNER: Were you through reading back his
5 answer?

6 THE INTERPRETER: I'm sorry?

7 MR. TURNER: Were you through reading back his
8 answer?

9 THE INTERPRETER: Yes.

10 Q Now, on the opposite side of your slide is terrorist by
11 the name of Sayd Qasem. What was his role in this particular
12 attack?

13 A Sayd Qasem is the deputy commander of Hamas in Ramallah,
14 and he was the one who transferred the bomb to the hands of
15 the bombers.

16 Q At the top of the screen is a person by the name of
17 Ibrahim Hamed. Who was Ibrahim Hamed?

18 A At that time, Ibrahim Hamed was the commander of Hamas in
19 Ramallah, the senior commander, and he was the one who planned
20 the attack.

21 MR. TURNER: Would you put before the witness 3366,
22 please.

23 Q Can you identify 3366?

24 A Yes, I can.

25 Q What is 3366?

SHAKED - DIRECT - TURNER

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1 A This is an official claim of responsibility by Hamas for
2 the suicide bombing in Ben Yehuda.

3 Q What is the source of 3366?

4 A The official site of the military arm of Hamas.

5 Q By site, are you referring to website, as we referred to
6 earlier?

7 A Yes.

8 MR. TURNER: We offer 3366.

9 THE COURT: Same objection?

10 MR. INGERMAN: Yes, sir.

11 THE COURT: Overruled. It is received.

12 (Plaintiffs' Exhibit 3366 was received in
13 evidence.)

14 MR. TURNER: May we place it on the screen?

15 THE COURT: You may.

16 MR. TURNER: Can you blow up the picture, please?

17 Q Can you identify that photograph that's in the official
18 claim of responsibility on Hamas' al-Qassam website?

19 A Yes.

20 Q Which one of the suicide bombers is that a picture of?

21 A We see the picture of Ibrahim Hamel in here.

22 MR. TURNER: If you can back out, please, and go
23 down to the script. We have a translated version. Can you go
24 to the English version, please. And if you could, blow up the
25 description in the bottom.

SHAKED - DIRECT - TURNER

1075

1 Q If you can take a moment and read through that,
2 Mr. Shaked, what I would like for you to do is confirm for us
3 the facts that you were able to learn from this official claim
4 of responsibility, with respect to the question of whether
5 Hamas was responsible for this attack.

6 A Indeed, yes.

7 Q All right. If you could --

8 MR. TURNER: Your Honor, may we display 3811 again?
9 This is the Israeli Security Agency report that's already in
10 evidence.

11 THE COURT: Yes.

12 MR. TURNER: And if you can go to the page that
13 makes reference to the Ben Yehuda bombing. Now, if you could
14 blow up maybe the first half of that.

15 Q Now, first of all, did the ISA confirm the identity of
16 the two suicide bombers, as you have described?

17 A Yes, it did.

18 Q Did the ISA also confirm the involvement of Hamas in this
19 particular attack?

20 A Yes.

21 Q Were you able to use this as a method of cross-checking
22 your other sources to confirm that Hamas was, in fact,
23 responsible for this attack?

24 A Yes.

25 Q Now, in addition to the ISA report, did you also have

SHAKED - DIRECT - TURNER

1076

1 access to other government investigatory records related to
2 the Ben Yehuda attack?

3 A Yes.

4 Q Now, in this particular attack, Mr. Shaked, was there one
5 bomb, or were there more than one bomb?

6 A In this particular attack, there were three bombs.

7 Q And can you explain what you learned during the course of
8 your investigation about how this bombing was planned in this
9 central location?

10 A The two terrorists came in a car, which they parked near
11 the site of the bombing. They stepped down. One of them put
12 on an explosive vest; the other one was carrying a big
13 computer inside, which there was an explosive charge, one of
14 them doing so far first. Two minutes afterwards, the other
15 one blew himself up. And 11 minutes later, the booby-trapped
16 car exploded. The intention was to cause a maximum number of
17 casualties.

18 Q During the course of your investigation of this
19 particular attack, were you able to determine why the delay in
20 the third bomb going off was planned the way it was?

21 A Yes, it turned out that Hamas asked them to wait a few
22 minutes, until the first responders arrived, until people
23 gathered in that place, and then the explosion could cause
24 many more casualties.

25 MR. TURNER: Put in front of the witness 3457,

SHAKED - DIRECT - TURNER

1077

1 please.

2 Q Can you identify 3457?

3 A Yes.

4 Q What is 3357?

5 A This is an expert opinion on behalf of the police about
6 explosives.

7 Q Explosives involved in this particular attack or another
8 attack?

9 A In the Ben Yehuda explosion, about which we are talking.

10 Q Is this an official record pertaining to the
11 investigation similar to those you've seen before?

12 A Yes.

13 Q And does this particular record help you with regard to
14 what the government investigation was saying and finding with
15 respect to one of the bombs?

16 A Yes.

17 MR. TURNER: We offer 3357.

18 MR. INGERMAN: Your Honor, may we approach briefly?

19 THE COURT: Sure.

20 (Sidebar held outside the presence of the jury.)

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Sidebar

1078

1 (Sidebar)

2 THE COURT: Your Honor, this is an Israeli police
3 report, ballistics report, for lack of a better term. Doesn't
4 mention Hamas. Doesn't mention anything having to do with
5 attribution. We think it's irrelevant and unduly prejudicial.

6 THE COURT: What's prejudicial about it?

7 MR. INGERMAN: Well, it's got pictures of the bomb,
8 got descriptions of the explosive device. His testimony is as
9 to attribution. If it mentioned Hamas, I could understand it,
10 but there's no mention of Hamas anywhere.

11 MR. OSEN: Your Honor, the witness testified that he
12 discussed the building of the bombs with Mr. Barghouti. We
13 had originally had video as to Barghouti's actual statements
14 on this, but he's now described them. He's corroborating that
15 against the ballistics report and the description
16 Mr. Barghouti gave of how he packed the bomb.

17 THE COURT: I'll overrule the objection in support
18 of his opinion.

19 (Sidebar concluded.)

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SHAKED - DIRECT - TURNER

1079

1 (In presence of the jury.)

2 MR. TURNER: May we proceed?

3 THE COURT: Yes. 357 is admitted.

4 (Plaintiffs' Exhibit 357 was received in evidence.)

5 MR. TURNER: Could you put before the witness 3358,
6 please?

7 Q Can you identify 3358?

8 A Yes.

9 Q Is this an identical report, except for one of the other
10 bombings?

11 A Indeed so.

12 MR. TURNER: We offer 3358.

13 THE COURT: Same objection?

14 MR. INGERMAN: Yes, your Honor.

15 THE COURT: Received over objection.

16 (Plaintiffs' Exhibit 3358 was received in
17 evidence.)

18 MR. TURNER: Could you put before the witness 3359,
19 please.

20 Q Do you recognize 3359?

21 A I do recognize.

22 Q Is this, in fact, the same report, except for the third
23 bombing?

24 A Yes.

25 MR. TURNER: We offer 3359.

SHAKED - DIRECT - TURNER

1080

1 THE COURT: All right. Received over objection.
2 (Plaintiffs' Exhibit 3359 was received in
3 evidence.)

4 MR. TURNER: Now, if you could go to page 8 of 9 on
5 3359, the one with the photographs.

6 May we display this, your Honor?

7 THE COURT: Well, let's have a sidebar about that.
8 (Sidebar held outside the presence of the jury.)
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Sidebar

1081

1 (Sidebar)

2 THE COURT: Why?

3 MR. TURNER: This just shows the computer bomb that
4 confirmed his opinion, Barghouti's interview, confirmed by
5 cross-checking various different sources that it was, in fact,
6 a computer bomb.

7 THE COURT: I don't think you need the picture for
8 that; you've already got the police report forming the basis
9 of his opinion or contributing to his opinion, and I think the
10 picture is really unnecessary to do that.

11 MR. OSEN: Your Honor, the picture's in the report
12 itself.

13 THE COURT: I understand, and I'm not saying I won't
14 give it to the jury for their deliberations. I will cross
15 that bridge when I come to it, but right now I think, under
16 Rule 403, I'm not going to let you show the picture.

17 (Sidebar concluded.)

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SHAKED - DIRECT - TURNER

1082

1 (In the presence of the jury.)

2 MR. TURNER: May I proceed?

3 THE COURT: You may.

4 MR. TURNER: Mr. Miller, if you would show the
5 witness only page 8 of 9 of 3359?

6 Q Mr. Shaked, were you able to confirm through the
7 photographs and other materials in these exhibits, these
8 police investigation files, that by cross-checking these
9 sources that the information you learned from Mr. Barghouti's
10 interview about the computer bomb was, in fact, accurate?

11 A Yes.

12 MR. TURNER: Now, if you could place before the
13 witness only the beginning of 3284. It should be a video.

14 Q Do you recognize the person on the first clip of this
15 particular videotape, Mr. Shaked?

16 A Yes, of course.

17 Q And who is that individual?

18 A Abdulla Barghouti.

19 Q Now, is this particular video clip taken from your own
20 interview of Barghouti about this particular bombing and how
21 he created or made this particular bomb while he was in
22 prison?

23 A Yes.

24 MR. TURNER: Your Honor, under 703, may we show this
25 short clip?

SHAKED - DIRECT - TURNER

1083

1 THE COURT: No.

2 Q Did you also have an opportunity to review the sentencing
3 record for Barghouti that we referred to earlier in the prior
4 bombing, wherein he specifically discusses this particular
5 attack at Ben Yehuda?

6 A Yes, I did have the opportunity to do that.

7 MR. TURNER: Your Honor, we would like to display
8 page 2 of 2, in the English translation. We've got a slide
9 prepared. It has an excerpt. And this is already in
10 evidence, Plaintiffs' Exhibit 3336.

11 THE COURT: Can I see it first?

12 MR. TURNER: Sure.

13 THE COURT: Any objection?

14 MR. INGERMAN: No, your Honor.

15 THE COURT: All right. You may proceed.

16 MR. TURNER: Okay. If you could display this,
17 please. Can we get the lights down just a tiny bit? Thank
18 you.

19 Q Now, this particular excerpt comes from the sentencing of
20 Barghouti; is that correct, Mr. Shaked?

21 A Yes.

22 Q Now, it begins in blue. The defendant is directly
23 responsible for the murder of dozens of innocent human beings
24 and the injury of hundreds more. We fail to understand how
25 the defendant could put to the use the scientific knowledge he

SHAKED - DIRECT - TURNER

1084

1 acquired, which was intended from the outset to improve human
2 life, for so much destruction and carnage. And then in white,
3 we found a partial answer to this question, in the words of
4 the defendant, within the pleas for sentencing in this case,
5 from which one could sense, with no difficulty whatsoever, the
6 inexhaustible patriot that has consumed all his humanity.

7 The defendant expressed no remorse but was instead
8 proud of having trained dozens of engineers whom he hoped
9 would cause attacks that are more severe than he himself had
10 caused. The defendant concluded his address by promising that
11 the Hamas organization would cause the destruction of the
12 state of Israel, in accordance with the vision of Ahmed Yasin.

13 Were you present when those words, or similar words,
14 were stated in court, Mr. Shaked?

15 A Yes, I was indeed present in the court while these words
16 were said.

17 MR. TURNER: You may turn the lights back up,
18 please. Thank you.

19 Q Now, was this piece of information that you learned at
20 sentencing important information in cross-checking the various
21 sources to ensure accuracy in determining that Hamas was
22 responsible for this attack?

23 A Indeed so.

24 Q Did you also have an opportunity to investigate the
25 bombing and shooting of bus 189 near Emmanuel on

SHAKED - DIRECT - TURNER

1085

1 December 12, 2001?

2 A Yes.

3 MR. TURNER: May we place the slide up there,
4 your Honor?

5 THE COURT: Yes.

6 Q Were you able to determine who the Hamas shooters were in
7 this particular attack?

8 A Yes, I did manage to determine.

9 Q And what were the names of the terrorists involved in
10 this particular attack near Emmanuel?

11 A Names of the terrorists are apparent on the bottom line.
12 These are three names; Muhammad Aziz Haj Ali, Assem Rihan and
13 Anan Kadusi. In the top part, you can see their commander
14 Nasr al-Din Assida.

15 Q Were you able to determine whether these people acted
16 alone or whether they were acting for and on behalf of Hamas
17 in carrying out these attacks?

18 A These terrorists did operate on behalf of the Hamas, for
19 the Hamas and as Hamas operatives.

20 Q So we get sort of a feel for where this place is, tell us
21 the significance of bus 189 and in the Emmanuel community as
22 it is geographically located in Israel.

23 A Emmanuel is located at the northern and central part of
24 Samaria. This is a locality where approximately 4,000 people
25 live. It is a religious community. Most of the people who

SHAKED - DIRECT - TURNER

1086

1 live there work in Tel Aviv, so every morning they travel
2 there and then come back home. Most of them use that bus to
3 come back home, because the general social status in that is
4 people of middle class and beneath.

5 Q Was this a commercial bus?

6 A It was a bus from the public transportation system.

7 Q How many people were killed in this particular terrorist
8 attack?

9 A Ten people were killed in this bombing.

10 Q And how many were injured?

11 A Thirty people were injured.

12 Q What time of day did this attack occur?

13 A It occurred during the late afternoon hours. I think it
14 was approximately at 7:30 -- excuse me. 17:30, which is
15 5:30 p.m., something like that.

16 Q During the course of your investigation, were you able to
17 determine whether the type of terror attack that occurred at
18 Emmanuel was a new kind of attack, or was this similar to what
19 had transpired before?

20 A So far, we have not discussed any attack that was similar
21 to this or of this kind, because this attack combined shooting
22 with throwing a bomb, and then once again shooting at the bus
23 and storming it, a bus with people inside. This was something
24 new compared to previous attacks.

25 MR. TURNER: Would you show the witness, please,

Sidebar

1087

1 only 3385?

2 Q Do you recognize 3385?

3 A Yes, I do.

4 Q What is 3385?

5 A This is a claim of responsibility by the Qassam Brigades,
6 the military arm of Hamas for the Emmanuel bombing.

7 Q And what is the source of 3385?

8 MR. INGERMAN: Your Honor, may we approach just
9 briefly?

10 THE COURT: Sure.

11 (Sidebar held outside the presence of the jury.)
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24 (Sidebar)

25 MR. INGERMAN: Your Honor, this exhibit is not

Sidebar

1088

1 mentioned anywhere in Mr. Shaked's report. We never had an
2 opportunity to ask him about it at his depositions or inquire
3 with him. They're showing him this document for the first
4 time, and it's unfair.

5 THE COURT: Was it on the plaintiffs' list?

6 MR. INGERMAN: It's on the plaintiffs' exhibit list,
7 of course, but this witness never cited it, that he relied on
8 it for purposes of the report, so we were never able to
9 inquire of him at pretrial.

10 MR. OSEN: I don't know whether that's accurate or
11 not. I do believe Mr. Shaked is referenced the Qassam
12 Brigade's claim of responsibility. I don't know whether the
13 question here is whether this particular version of the URL is
14 not cited or whether they're saying he never cited al-Qassam's
15 claim of responsibility. I don't think that's correct.

16 MR. INGERMAN: With respect to the Emmanuel, he has
17 a section in his report on each of the attacks, with
18 respect -- on the Emmanuel section, we did not see any
19 reference to this al-Qassam claim of responsibility.

20 THE COURT: If you had, since it's been on the
21 plaintiffs' list, would you have asked him?

22 MR. INGERMAN: Well, we could have inquired with him
23 about how he relied on it, why he relied on it, what was in
24 it? I mean, it's trial by ambush, really.

25 THE COURT: I would agree with you if I saw any

Sidebar

1089

1 prejudice to the non-listing earlier, but I'm not seeing any.
2 It's just one more document supporting his opinion, and I
3 don't see any great cross-examination you could have done at
4 his deposition that would have impeached this particular
5 document. It's of the same general, as all the other ones he
6 relied on, so I'm going to overrule the objection. I do want
7 plaintiffs' attorneys to check this carefully. Obviously this
8 one is fine, but a bunch of them would not --

9 MR. INGERMAN: We do have others that we've
10 identified that I think are coming up that we did not find
11 anywhere in his reports, so --

12 MR. OSEN: They've had the documents. They've had
13 the report. You could reach out to us at any point if you
14 have a question about any one. Some of these are simply an
15 issue, your Honor, of which resolution version of the same WW
16 al-Qassam. If there's one that isn't, we're happy to discuss
17 it. But we would prefer to have had that discussion days ago.

18 THE COURT: Yes, I think it was clear as to which
19 documents this one would be testifying on. Right? I mean,
20 this is not a surprise to you now that they pull this document
21 out with this witness, is it?

22 MR. INGERMAN: No, but we didn't realize until
23 yesterday, when going through the exhibit. There's hundreds
24 of exhibits to try to figure out in a 200-plus report whether
25 or not a particular exhibit had been cited.

Sidebar

1090

1 THE COURT: But I've got to have a feel of quantity.
2 Like I say, if it's an isolated instance or one or two others,
3 it's a problem. If there's 20 of these exhibits, it's a
4 problem.

5 MR. INGERMAN: I mean, I would say, your Honor, just
6 estimating, we're looking at somewhere in the 10 to 12 range,
7 I would say. And I'm happy to discuss them with Mr. Osen on
8 the break. If we're wrong, the objection's no good, but --

9 THE COURT: Let's take a break now, and you all try
10 to work this out. And at least if you can't work it out, give
11 a better feel for what these documents are, why they were not
12 identified in the report -- maybe, as Mr. Osen's suggesting,
13 they're simply other versions of documents that were
14 referenced in his report that are not materially different.
15 If that's the case, it's not a problem. But we'll take our
16 break now so you can try to work it out.

17 MR. OSEN: Thank you.

18 MR. INGERMAN: Thank you.

19 (Sidebar concluded.)

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Proceedings

1091

1 (In the presence of the jury.)

2 THE COURT: Ladies and gentlemen, there's a small
3 issue we need to work out, so we'll take a little bit early of
4 a morning break. We'll come back here at 11:05. Please do
5 not discuss the case among yourselves. See you in 15 minutes.

6 (Outside the presence of the jury.)

7 THE COURT: Let's reconvene a couple minutes after
8 11:00, so you have a chance to talk.

9 (Recess in proceedings.)

10 (Proceedings continued on following page.)

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PROCEEDINGS

1092

1 (Honorable Brian M. Cogan takes the bench.)

2 THE COURT: All right. Be seated, please. Where
3 do we stand on this?

4 MR. SHAND: Mr. Ingerman will be right back.

5 THE COURT: I said 11:02. I just congratulated
6 everyone for being prompt. Is the exhibit we were talking
7 about before the break 3385?

8 MR. OSEN: 3385.

9 THE COURT: Are you sure that goes with this
10 attack?

11 MR. OSEN: As far as I know. I can confirm it
12 again, your Honor.

13 MR. INGERMAN: Sorry, your Honor.

14 THE COURT: Okay.

15 MR. OSEN: Yes, your Honor.

16 MR. TURNER: Do you have the translated version?

17 THE COURT: I'm sorry. Are we on the December 12,
18 2001, attack?

19 MR. OSEN: Yes, the Emmanuel bombing.

20 THE COURT: Right. And this document takes
21 responsibility for the attack on the 6th of Jumada al-Awwal
22 which is translated as July 16, 2002; hence, my question.

23 MR. OSEN: Reasonable question, your Honor.

24 MR. TURNER: It does say "Emmanuel".

25 THE COURT: Well, I take it aside from this

PROCEEDINGS

1093

1 question as to whether it's even the right document, I take
2 it the parties have not reached a resolution on this issue
3 of documents that the witness is using, but are not
4 contained in his report, allegedly, defendant's contention?

5 MR. OSEN: Right. Your Honor, I think we have
6 largely resolved it. There are a couple of documents
7 towards the back end of the presentation which we were just
8 going to work on now. But I think with respect to the ones
9 that are upcoming before lunch, it shouldn't be an issue,
10 and we're just going to advise Mr. Turner as to which ones
11 we've worked out.

12 THE COURT: Is that right?

13 MR. INGERMAN: It is, yes.

14 THE COURT: So let's get the jury in and proceed.

15 MR. INGERMAN: So with respect to this exhibit,
16 your Honor, this obviously is not the same attack?

17 THE COURT: Well, that's what I said; the
18 plaintiffs are not there yet.

19 MR. OSEN: Your Honor is correct, the actual
20 translation here has a different date, but it does refer to
21 the Emmanuel attack.

22 THE COURT: All right. I'm going to leave this to
23 be worked out in the direct and cross-examination process,
24 okay. However you want to deal with that is fine.

25 (Jury is in the courtroom at 11:10 a.m.)

R. SHAKED - DIRECT/MR. TURNER

1094

1 THE COURT: All right. Be seated, please.

2 Mr. Turner, you may continue.

3 MR. TURNER: Thank you, your Honor.

4 DIRECT EXAMINATION (Continued)

5 BY MR. TURNER:

6 Q When we broke, we were talking about the Emmanuel
7 shooting and bombing. Do you recall that, sir?

8 A Yes.

9 Q Now, as one of the sources of information, in addition
10 to what we've already talked about, did you have access to
11 government records from the Ministry of Foreign Affairs?

12 A Yes.

13 MR. TURNER: Could you show the witness only,
14 please, 3392.

15 MR. INGERMAN: Your Honor, I think you've already
16 ruled on 3392.

17 THE COURT: I don't think I have. Oh, you're
18 saying in the prior order?

19 MR. INGERMAN: Yes.

20 THE COURT: Mr. Turner, I did enter an order on
21 this document.

22 MR. TURNER: Yes, sir. It's only being shown to
23 the witness.

24 THE COURT: Okay, but I entered an order as to --

25 MR. TURNER: The admissibility.

R. SHAKED - DIRECT/MR. TURNER

1095

1 THE COURT: The admissibility and what the witness
2 will be able to say about this.

3 MR. TURNER: Yes, sir, I understand. I fully
4 intend to comply with the order.

5 THE COURT: All right. Please proceed.

6 MR. TURNER: May I proceed?

7 THE COURT: Yes.

8 BY MR. TURNER:

9 Q Do you recognize 3392?

10 A Yes, I do.

11 Q Now, is this one of the pieces of information that you
12 collected from the various sources that assisted you in
13 reaching the conclusion that Hamas was responsible for this
14 particular attack?

15 A Yes.

16 Q Now, in addition to this, did you also have access to a
17 video will of, I believe his name is Assem Rihan, that was
18 taken before this particular attack occurred, but talked
19 about this attack that was about to occur?

20 A Yes, I did see this video.

21 MR. TURNER: Mr. Miller, can you show the witness
22 only the first of the video marked 3398.

23 Q Do you recognize this particular video, Mr. Shaked?

24 A Yes.

25 Q Can you identify the person in the video?

R. SHAKED - DIRECT/MR. TURNER

1096

1 A Yes, this is the picture of Assem Rihan.

2 Q Is this the same Assem Rihan that carried out the
3 attack on the bus in Emmanuel?

4 A Yes.

5 Q What is the source of this will? Where did it come
6 from?

7 A The source of this video is a website of Izz ad-Din
8 al-Qassam Brigade, the military wing of the Hamas.

9 Q The same website we've been talking about?

10 A Yes.

11 Q And did this will help you reach your conclusion that
12 Assem Rihan was one of the shooters and bombers involved in
13 this particular attack and responsible for these deaths and
14 injuries?

15 A Yes, it helped me.

16 MR. TURNER: We would offer 3398.

17 MR. INGERMAN: Your Honor, we renew our objections
18 on 403 grounds.

19 THE COURT: All right. The objection is overruled
20 and the exhibit is received.

21 (Plaintiff Exhibit 3398 was admitted into
22 evidence.)

23 MR. TURNER: May we have the lights, your Honor,
24 and play this?

25 THE COURT: Yes.

R. SHAKED - DIRECT/MR. TURNER

1097

1 (Video of Assem Rihan being played.)

2 MR. TURNER: May we have the lights?

3 Q Mr. Shaked, did that videotape that was taken prior to
4 this attack assist you in concluding that Rihan and these
5 others were associated with Hamas in carrying out this
6 terrorist attack on behalf of Hamas?

7 A Yes.

8 Q In addition to these sources of information, did you
9 also have access to a memorialization poster that was
10 created of Rihan and published throughout the areas?

11 A Yes, I had access to these posters.

12 MR. TURNER: Can you show the witness only please,
13 1090, and go to page nine.

14 Q Do you recognize Exhibit 1090, page nine?

15 A I do.

16 Q Who is that individual?

17 A This is a terrorist who participated in the Emmanuel
18 attack and was killed during the attack.

19 Q Can you read -- I recognize it's in Arabic at the top
20 of your screen, can you read that for us in Arabic?

21 MR. INGERMAN: Objection, your Honor.

22 THE COURT: Sustained. You need it in first.

23 MR. TURNER: Your Honor, we would offer 1090, page
24 nine.

25 MR. INGERMAN: We object, in addition to 801 for

R. SHAKED - DIRECT/MR. TURNER

1098

1 reasons we discussed before the break, we're not seeing the
2 picture anywhere.

3 THE COURT: I thought we had resolved that, at
4 least at this point.

5 MR. OSEN: I thought so too, your Honor. If we
6 can do a quick sidebar.

7 (Continued on the next page for sidebar.)
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SIDEBAR CONFERENCE

1099

1 (Sidebar conference begins.)

2 MR. OSEN: I think we indicated to you that the
3 poster didn't come as mentioned in this report, but not in
4 the form that is on the screen presented, because we took
5 the same one that is used from -- it's the same poster, just
6 a different version of the same poster.

7 THE COURT: All right. Here is my feeling about
8 this: Look, you've got an expert report, you take his
9 deposition, you go through all the things the expert relied
10 on in his report. At the end of the report, at the end of
11 the examination you say, is there anything else you relied
12 on. If he says "no" then you've got good cross-examination,
13 okay. You've got -- you can say to him on cross-examination
14 you didn't tell us about this during your deposition, did
15 you. I asked you everything you relied on and you didn't
16 mention this, did you. This wasn't in your report, was it.
17 And that's where I'm going to leave it right now.

18 MR. INGERMAN: I understand, your Honor, but the
19 prejudicial value of moving this stuff in outweighs the
20 probative value of the cost here.

21 THE COURT: I think it really has very little
22 prejudicial value. It is a picture and an assumption of
23 responsibility by a guy who he's got other sources that show
24 that, so I think the prejudicial impact is really quite
25 limited, so I'm going to relegate it to cross-examination on

SIDEBAR CONFERENCE

1100

1 that.

2 (End of sidebar conference.)

3 (Continued on the next page.)

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R. SHAKED - DIRECT/MR. TURNER

1101

1 THE COURT: All right. The document is admitted
2 over objection.

3 (Plaintiff Exhibit 1090 was admitted into
4 evidence.)

5 MR. TURNER: May we put it up on the screen, your
6 Honor?

7 THE COURT: You may.

8 MR. TURNER: Mr. Miller, if you can enlarge the
9 upper half.

10 BY MR. TURNER:

11 Q First of all, do you recognize the logo?

12 A Yes, I recognize it.

13 Q What is the logo?

14 A This is the logo of Izz ad-Din al-Qassam Brigade.

15 Q Can you read for us the Arabic that's written on the
16 document above the logo?

17 A It says that there -- I have read this phrase first in
18 Arabic. It says the heroic Assem Rihan who acted out the
19 blessed action of Nablus.

20 Q Nablus is what?

21 A They mean the Emmanuel attack. Nablus appears because
22 Nablus is the central city of that area.

23 MR. INGERMAN: Objection, your Honor, move to
24 strike.

25 THE COURT: Sustained. Ladies and gentlemen, the

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1 words in this document are, again, not to be taken as true
2 by you. The document is only used to help you evaluate
3 whether you should accept this witness' opinion.

4 Q Mr. Shaked, where is Nablus in relation to Emmanuel?

5 A Emmanuel is a couple of kilometers, a few miles
6 northwest of Nablus.

7 MR. TURNER: If you can go out and focus on the
8 bottom.

9 Q Who is in the photograph?

10 A This is a picture of Assem Rihan.

11 Q What does the Arabic say at the bottom?

12 A This is an Islamic concept which expresses the heroism
13 of a person who gives his live for others.

14 Q Did you have an opportunity to investigate the shooting
15 attack in Atzmona in March of 2002?

16 A Yes.

17 MR. TURNER: May we demonstrate the slide, your
18 Honor?

19 THE COURT: Sure.

20 Q Were you able to determine who the shooter was?

21 A Yes.

22 Q Who was the terrorist that carried out the shooting?

23 A The shooter is Muhammad Farhat, a member of the Hamas
24 organization.

25 Q Were you able to determine or reach a conclusion as to

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1 whether or not Muhammad Farhat did this on his own or
2 whether he was acting before and on behalf of Hamas?

3 A Muhammad Farhat acted on behalf of Hamas with the
4 knowledge of Hamas and his commanding officers.

5 Q How many people were killed in this particular terror
6 attack in Atzmona?

7 A Five people were killed in Atzmona.

8 Q And how many were injured?

9 A 23 were injured.

10 Q Did your investigation reveal how old Muhammad Farhat
11 was?

12 A Yes, he was 17 years old.

13 Q Did your investigation find anything unique about
14 Muhammad Farhat's role in this particular attack in terms of
15 his age?

16 A Yes. I will tell you about it briefly. Muhammad
17 Farhat wanted to do the suicide bombing. He turned to his
18 mother, Marriam Farhat, who is also an activist of Hamas,
19 and she went directly to the commander, senior commander of
20 al-Qassam Brigade to get his permission. And he allowed her
21 son to go and do this. And only after receiving permission
22 did he go and perpetrate the attack.

23 Q Is Shehada shown as the top photograph?

24 A Yes, Salah Shehada is the top of the slide.

25 Q Did Salah Shehada have any special or unique role in

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1 the investigation of the founding of Hamas?

2 A Yes. Salah Shehada was one of the founders of the
3 Hamas and the commander of the military wing of Hamas.

4 Q What was unique about this particular attack that
5 required that this 17 year old's mother go to Shehada, one
6 of the high executive leaders of Hamas, in order to, as you
7 put it, get permission to do this attack?

8 MR. INGERMAN: Objection.

9 THE COURT: Sustained as to form.

10 Q Can you explain to us why Shehada was required to
11 approve this particular attack, at least based on your
12 investigation?

13 A Farhat was 17 years old. He was a member of the Hamas
14 youth movement, and Hamas did not want children for these
15 kinds of attacks. And he was also -- children are also
16 inexperienced. This is why permission was required from the
17 commander both from an operational perspective and with
18 respect to the age.

19 Q What did your investigation reveal about Farhat's
20 mother's role in Hamas?

21 A The mother of Muhammad Farhat, Marriam, escorted him on
22 his way and wished him good luck. That means this was the a
23 mother who sent a young son to die for the cause for which
24 she felt was important.

25 MR. TURNER: Would you show the witness only 3429,

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1 please.

2 Q Do you recognize 3429?

3 A Yes, I do.

4 Q And what is 3429?

5 A Yes, this is the claim of responsibility issued by
6 al-Qassam Brigade of the military wing of Hamas regarding
7 the attack that was carried out in Atzmona by the heroic
8 Muhammad Farhat.

9 Q What is the source of 3429?

10 A It is the official website of the Qassam Brigade, the
11 military wing of Hamas.

12 MR. TURNER: We offer 3429.

13 THE COURT: Same objection?

14 MR. INGERMAN: Yes.

15 THE COURT: Received over objection.

16 (Plaintiff Exhibit 3429 was admitted into
17 evidence.)

18 MR. TURNER: May we post it on the screen?

19 THE COURT: Yes.

20 MR. TURNER: Please use the English version. If
21 you can blow up the upper half.

22 BY MR. TURNER:

23 Q Now, did this official claim of responsibility help you
24 confirm that Muhammad Farhat carried out this terrorist
25 attack on behalf of Hamas at Atzmona?

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1 A Yes, sir.

2 Q Now, in addition to this official claim of
3 responsibility, were you also able to access a will of the
4 young boy that was posted on the Hamas al-Qassam website?

5 A Yes, I did have access.

6 Q Now, you've listed Wa'el Nasar as one of the
7 participants or operatives in this particular terrorist
8 attack. Who was Wa'el Nasar?

9 A He was -- Wa'el Nasar was senior commander in the
10 military wing of Hamas. He was one of the deputies of Salah
11 Shehada, and he was the one who was responsible and
12 confirmed directly this terror attack. He was the one who
13 dispatched the suicide bomber to carry out this attack.

14 Q From a memorialization standpoint, was there a funeral
15 or as they described it "a wedding ceremony" by Hamas on
16 behalf of this young boy?

17 A Yes, indeed there was a large funeral.

18 Q Was there anything unique in terms of who attended this
19 particular funeral that was significant in terms of
20 connecting Hamas to this particular attack?

21 A Yes. Sheikh Yassin himself was present in the funeral.
22 And along with him there were other senior members, senior
23 leaders of Hamas, such Abd al-Aziz al-Rantisi, Isma'il Abu
24 Shanab and Isma'il Haniya.

25 Q And who were these; you mentioned Rantisi and Haniya,

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1 who were those individuals in terms of leadership of Hamas
2 at the time?

3 A Rantisi was number two in the Hamas, that meant he was
4 the deputy of Ahmed Yassin. And Haniya at the time was
5 Sheikh Ahmed Yassin's chief of staff.

6 Q Did you also have an opportunity as part of your work
7 to investigate the bombing at Cafe Moment in Jerusalem that
8 occurred on March 9, 2002?

9 A Yes, I did investigate.

10 MR. TURNER: May we display the slide, your Honor?

11 THE COURT: Yes.

12 Q Were you able to determine who the suicide bomber was
13 in the Cafe Moment attack?

14 A Yes. At the bottom of the picture of this slide we can
15 see the photo of Fuad Hurani, he was the suicide bomber.

16 Q And was Abdullah Barghouti the bomb maker we talked
17 about earlier involved in this attack as well?

18 A Yes. Barghouti prepared the explosives belt.

19 Q In order to understand this particular attack, can you
20 describe what, at the time, Cafe Moment was and where it was
21 located within Jerusalem?

22 A Yes. Cafe Moment was at the center of this
23 neighborhood and perhaps I could call it this yuppy
24 neighborhood in Jerusalem, a lot of academics live in that
25 area, intellectuals, students. And these are the people

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1 that went to this cafe. These are the people that live next
2 to this cafe. If I liken it to something in New York, I
3 would say that neighborhood is a bit similar to the Village.
4 And people would simply love to go to that cafe and hang out
5 and drink their coffee, and mainly people would go there
6 late at night.

7 Q Where was the cafe in relation to the prime minister of
8 Israel's home?

9 A I would say it's about 150 to 200 yards, the distance
10 from the prime minister's home.

11 Q Where is Cafe Moment in relation to your office?

12 A I'd say no more than about half a mile.

13 Q Were you at the office at the time of this particular
14 attack?

15 A No, I wasn't in my office. It occurred at a late hour
16 at night.

17 Q Did you go to the scene of this particular attack?

18 A Yes.

19 Q Can you give us an estimate approximately how long it
20 took you to get to the scene following the attack?

21 A I would say it's approximately -- it took me
22 approximately, 20 minutes, half hour tops, not more than
23 that.

24 Q Let's work on your slide for just a minute and identify
25 some of these individuals that you determined were involved

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1 in this particular terror attack on behalf of Hamas.

2 First of all, was Wisam Abbasi, what role did
3 Abbasi play in this attack?

4 A He is at the right hand of the picture and he was a
5 member of the simple. His role was to locate the cafe in
6 Jerusalem where they will carry out the attack.

7 Q And what was the role of Walid Anjas?

8 A Walid Anjas. Yes, he was an operative a Hamas
9 operative from he was the person who dispatched the suicide
10 bomber from Ramallah to Jerusalem. And he was the person
11 who authorized, who actually attended the decision regarding
12 the location of the attack.

13 Q And going back over to the right-hand side of the
14 screen, Wa'el Qassam, what was Qassam's role in this
15 particular terrorist attack?

16 A Wa'el Qassam was a military leader of Hamas in
17 Jerusalem at that time of the Hamas military wing. He was
18 the person who choose the place where to perpetrate the
19 attack. He was the person who had dispatched the suicide
20 bomber and even led him very close to the cafe, just a few
21 yards, and then he pointed at the place where he should
22 explode himself.

23 Q Moving across to the center, Abdullah Barghouti. In
24 your interview with Barghouti did you have an opportunity to
25 talk face-to-face with him about the terrorist attack at

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1 Cafe Moment?

2 A Yes.

3 Q And during the course of your investigation were you
4 able to determine from the various sources that you
5 cross-referenced what the source of the bomb was; in other
6 words, was it in a guitar, a computer like the other ones or
7 how was it delivered?

8 A This time the bomb was in explosive belt that was on
9 the body of the suicide bomber.

10 Q Moving across to the left again, Muhammad Arman. What
11 role was Muhammad Arman in this particular terrorist attack?

12 A Muhammad Arman who was an operations officer, a key
13 operative of Hamas in Ramallah. He was the person who had
14 fitted the explosive belt on the body of the suicide bomber.

15 Q And finally up at the top, Ibrahim Hamed. We've seen
16 his picture before. You told us who he was in general.
17 What role did you find that he played in the Cafe Moment
18 terrorist attack?

19 A Yes. In this case he was very much involved in the
20 recruiting of the suicide bomber, not just the recruiting,
21 but he was the one who coordinated this activity between the
22 different cells, and he was the person who provided
23 instruction and direction on how to carry out this attack.

24 Q On this particular attack did you have access to
25 information from the Israel Security Agency, the ISA report

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1 describing this attack?

2 A Yes, I did have access.

3 MR. TURNER: Your Honor, 3811 is already in
4 evidence. May we post the page pertaining to this attack?

5 THE COURT: You may.

6 Q Did the ISA identify the same suicide bomber that you
7 were able to identify?

8 A Indeed so.

9 Q Now, the ISA indicated that this young man that carried
10 out the suicide attack was a resident of a refugee camp born
11 originally in Bethlehem. Was that consistent with your
12 investigation?

13 A Yes, this is in line with -- these details are in line
14 with my investigation.

15 Q And did the ISA likewise identify individuals that you
16 likewise identified as operatives in this particular attack?

17 A Indeed, yes.

18 Q Was this piece of information from the government
19 important to you in reaching your conclusion?

20 A Yes, it is important to me.

21 MR. TURNER: Can you please show the witness only
22 3511.

23 Q Do you recognize 3511?

24 A Yes.

25 Q Does this come from an agency or branch of the

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1 Government?

2 A Yes, it is from prime minister's office.

3 Q Is this one of the pieces or sources of information
4 that you were able to use as a crosscheck method to ensure
5 your information was accurate?

6 A Yes.

7 MR. TURNER: Can you show the witness 3484,
8 please.

9 Q Do you recognize this from the Israel Ministry of
10 Foreign Affairs?

11 A I recognize it.

12 Q Is this again one of those sources that you used to
13 crosscheck the accuracy of your investigation?

14 A Yes, this is an additional cross-referencing source.

15 MR. TURNER: Would you please show the witness
16 3485, please.

17 Q Do you recognize 3485?

18 A I do.

19 Q What is 3485?

20 A This is an expert opinion by a police expert who
21 checked the findings found in the scene after the attack.

22 MR. INGERMAN: Objection, your Honor.

23 THE COURT: Overruled.

24 Q And is this similar to the police investigation reports
25 carried out in the ordinary course of business that you

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1 referred to earlier?

2 A Yes, it is like other police reports.

3 Q And were you able to use the information you found in
4 this police report to crosscheck other information you
5 learned from Barghouti and from the claim of responsibility
6 in the other investigation sources to confirm your
7 conclusions?

8 MR. INGERMAN: Objection to form.

9 THE COURT: Overruled.

10 A Yes.

11 MR. TURNER: We offer 3485.

12 THE COURT: Where did you get this document?

13 THE WITNESS: Within the framework of my
14 journalistic work, I used to receive different documents
15 from the police, from the ISA, from the Ministry of Foreign
16 Affairs, from the prime minister's office, among others.
17 There were also documents from the police that were open
18 sources.

19 THE COURT: All right. Same objection?

20 MR. INGERMAN: Yes, your Honor.

21 THE COURT: All right. It's overruled. The
22 document is received.

23 (Plaintiff Exhibit 3485 was admitted into
24 evidence.)

25 Q And finally, with respect to the Cafe Moment terrorist

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1 attack, 3336 is already in evidence. That is the sentencing
2 record of Abdullah Barghouti. Were you present in the
3 courtroom that day?

4 A Yes, I was present at the court during the reading of
5 the sentence.

6 Q And did the conviction records as well as what you
7 heard in the courtroom that day help you confirm the facts
8 surrounding the bombing attack at Cafe Moment in Jerusalem?

9 A Yes, they helped me.

10 Q Did you have an opportunity to investigate the Park
11 Hotel suicide bombing that occurred on March 27, 2002?

12 A Yes.

13 Q Were you able to determine who the suicide bomber was
14 responsible for the terrorist attack at the Park Hotel?

15 A Yes, I did.

16 MR. TURNER: Can you put the slide up? Is that
17 okay, your Honor?

18 THE COURT: Yes.

19 Q Who was the suicide bomber responsible for the
20 terrorist attack at the Park Hotel in 2002?

21 A The name of the suicide bomber was Abd al-Baset Oden
22 and he was a resident of Tulkarem.

23 Q Where is Tulkarem?

24 A If you remember the map of Israel, Tulkarem is in the
25 center of Israel, about a 11 miles, perhaps a little more,

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1 from the seashore.

2 Q Where was the Park Hotel located?

3 A Park Hotel, it is in the center. The hotel is in the
4 center of the city of Netanya, which is very close to
5 Tulkarem.

6 Q Now, in order to understand the background of this
7 particular bombing, can you describe the Park Hotel and the
8 events that were going on at the time of the Park Hotel
9 attack?

10 A As I said, it happened in the resort town called
11 Netanya. This is a relatively large hotel. And that
12 evening, many Israelis gathered there to celebrate Passover,
13 which is a festive dinner. This is one of the most
14 important events in the Jewish calendar in which people
15 gather together to eat and celebrate.

16 At that night, many of the people in the hotel
17 were elderly people Holocaust survivors who did not have
18 families, and they came together to celebrate the Passover
19 with friends or with other people like them.

20 Dinner started at 7:30. Everybody was of course
21 well-dressed, festive dresses, and the dinner was also
22 festive, the kind of food was also festive.

23 MR. SHAND: Your Honor, may we approach for a
24 moment?

25 THE COURT: Yes.

(Continued on the next page for sidebar.)

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SIDEBAR CONFERENCE

1117

1 MR. STEPHENS: This testimony is being given as if
2 he has personal knowledge of all of this.

3 THE COURT: I didn't get an objection to the
4 question.

5 MR. STEPHENS: I'm actually trying to talk about
6 the whole procedure here where instead of the question being
7 in your opinion or something like that, he is just telling
8 about everybody was well dressed at a hotel he wasn't even
9 at.

10 THE COURT: Mr. Stephens, I can't really respond
11 to that. I can sustain or overrule questions to
12 objections -- sustain or overrule objections to questions.
13 I can't operate thematically. So if there's a problem with
14 a question, let me know. If an answer is not responsive to
15 a question, let me know. Other than that, I can't help you.

16 I will say -- no, I won't say. Let's go and
17 continue with the questioning.

18 (End sidebar conference.)

19 (Continued on the next page.)
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1 MR. TURNER: May I continue?

2 THE COURT: You may. Let's get on to more
3 particulars.

4 MR. TURNER: Did you finish interpreting the
5 answer?

6 THE INTERPRETER: I did.

7 BY MR. TURNER:

8 Q Now, before we go into the sources of information for
9 this particular suicide attack, I want to talk about your
10 slide and some of the people that you were able to identify
11 as part of your investigation that were involved in this
12 terror attack.

13 But before we do that, were you able to determine
14 whether Odeh, the suicide bomber, was acting alone or
15 whether he was acting for Hamas in carrying out this attack?

16 A Abdel-Basset Odeh acted on behalf of Hamas in the name
17 of Hamas and as a member of Hamas.

18 Q Now, on the right of your slide, Muhanad Sharim. What
19 was his role in this particular attack?

20 A Muhanad Sharim was a Hamas activist in Tulkarem. And
21 he provided logistic support for this operation.

22 Q How about Fathi Khasib?

23 A Fathi Khasib was a Hamas operative, and he was a driver
24 who took the suicide bomber to the site of the attack.

25 Q And during the course of your investigation, were you

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1 able to determine how Odeh, the suicide bomber, managed to
2 get into the hotel and in the midst of the crowd that was
3 celebrating the Passover?

4 MR. INGERMAN: Objection, your Honor.

5 THE COURT: Sustained.

6 BY MR. TURNER:

7 Q During the course of your investigation, were you able
8 to determine facts that demonstrated how Odeh was disguised?

9 A Yes.

10 Q What did you learn?

11 A Yes. Odeh was disguised as a woman. He wore blue
12 tight jeans, women's jeans, high-heeled shoes, a brown shirt
13 and a brown woman's jacket. He wore a wig. He shaved and
14 he made up as a woman. He had makeup. And he carried a
15 woman's bag on his shoulder.

16 Q And were you able to determine as part of your
17 investigation what the delivery method of the bomb was?

18 A Yes.

19 Q And what did you learn?

20 A Odeh was wearing an explosive belt. It was sort of a
21 vest hidden under the brown jacket he was wearing.

22 Q Were you able to determine who built the bomb as part
23 of your investigation?

24 A Yes, I managed to do that.

25 Q And what was that terrorist's name?

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1 A His name was Muhanad Taher. He was the commander of
2 Hamas in Nablus. And he was the one who built the bomb.

3 Q And were you able to determine who was the terrorist in
4 charge of planning and supervising the attack on Passover at
5 the Park Hotel?

6 A Yes.

7 Q And who was that person?

8 A His name is Abbas Sayed.

9 Q Were you able as part of your investigation to look
10 into the background of Abbas al-Sayed?

11 A I did.

12 Q And what did you learn about Abbas al-Sayed in terms of
13 his relationship to Hamas?

14 A Yes. Abbas al-Sayed joined when he was a high school
15 student, the Muslim Brotherhood. And when he was studying
16 in Jordan, he joined Hamas. In the beginning, he was in a
17 political role, a spokesperson. He also used to preach in
18 mosques. But when the Intifada started, he became the
19 military commander of Hamas in Tulkarem.

20 Q Based on your investigation, were you able to determine
21 whether Abbas al-Sayed was a secretive operative of Hamas or
22 whether he was a public figure?

23 A As a spokesperson for Hamas, it couldn't be secretive.
24 In Tulkarem people knew him. I would say that many of the
25 residents of Tulkarem knew him. They heard him preaching in

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1 mosques. He appeared in many ceremonies with a green Hamas
2 bandana on his forehead. So it was absolutely clear that he
3 was from Hamas.

4 MR. TURNER: Would you show the witness 3544,
5 please.

6 BY MR. TURNER:

7 Q Can you identify 3544?

8 A Yes, I do.

9 Q What is 3544?

10 A This is an official announcement by Hamas, an official
11 claim of responsibility declaring that that explosion at
12 Park Hotel in Netanya was their act.

13 Q And what is the source of 3544?

14 A The source is the Internet Web site of the Hamas
15 Brigade, the military wave of Hamas.

16 Q Is that the same Web site we've been referencing
17 throughout today?

18 A Yes, indeed.

19 MR. TURNER: We offer 3544.

20 THE COURT: Same objection?

21 MR. STEPHENS: Yes.

22 THE COURT: Received over objection.

23 (Plaintiffs' Exhibit 3544 received in evidence.)

24 MR. TURNER: Would you please put the English
25 translation over the screen.

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1 Is that okay, your Honor?

2 THE COURT: Yes.

3 MR. TURNER: Can you blow up the picture for us,
4 please.

5 BY MR. TURNER:

6 Q Do you recognize that individual?

7 A Yes, I do.

8 Q Who is that individual?

9 A This is Abdel-Basset Odeh, the terrorist who exploded
10 himself at the Park Hotel in Netanya.

11 Q Were you able during the course of your investigation
12 to determine any background information about Odeh?

13 A Indeed, I found.

14 Q What did you learn?

15 A Yes. What I learned was that as a young man, he was an
16 Hamas operative, perhaps for two years and maybe even a bit
17 more than that before the attack. He had volunteered to
18 carry out the suicide bombing and he was wanted by the
19 Israeli authorities. And everything which I learned was
20 that he had worked for a while in hotels in Netanya.

21 MR. TURNER: Okay. Could you back out of that,
22 please.

23 BY MR. TURNER:

24 Q Now, were you able to crosscheck the validity of the
25 official claim of responsibility with the Israeli Security

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1 Agency investigation report?

2 A Yes.

3 MR. TURNER: Your Honor, may we display the
4 portion of 3811 already in evidence?

5 THE COURT: Yes.

6 BY MR. TURNER:

7 Q Did the ISA report relating to the investigation and
8 conclusions for the Park Hotel bombing confirm what you
9 found?

10 A Yes.

11 Q Now, did it also confirm -- and by "it," I'm referring
12 to the ISA report -- did it also confirm Muhanad Taher's
13 role in this particular attack?

14 A Yes, indeed the report does mention the name of Muhanad
15 Taher and his role.

16 Q And does it likewise mention Abbas al-Sayed?

17 A Yes. Abbas al-Sayed is also mentioned.

18 Q I want to focus in on this one sentence for a minute.

19 Do you see where I'm reading? I can't read it.

20 "The attack was directed by the Hamas military networks
21 in Tulkarem and Nablus, headed by Abbas al-Sayed and Muhanad
22 Taher. Abbas al-Sayed, responsible for the attack from
23 Tulkarem, served as the Hamas military leader in the area.
24 Abbas al-Sayed admitted in his interrogation that he had
25 planned to execute the attack many months earlier, but his

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1 plans were postponed."

2 Was that consistent, Mr. Shaked, with your
3 cross-reference sources of information?

4 A Yes, indeed, this is a cross-reference for all the
5 other materials I have in which I have reached.

6 Q Now, in addition to these sources of information
7 confirming Hamas' role in the Park Hotel attack, did you
8 likewise have access to a videotaped interview of one
9 Osama Hamden, a spokesperson from Lebanon on behalf of
10 Hamas?

11 MR. STEPHENS: Objection.

12 THE COURT: Just answer as to Osama Hamdan.

13 A Yes, I did have access to watch it.

14 MR. TURNER: Your Honor, at this point we'd like
15 to dim the lights and watch 3580, which is already in
16 evidence.

17 THE COURT: Haven't we already seen it? Do we
18 need to see it again?

19 MR. TURNER: I'd kind of like to.

20 THE COURT: I don't think that's a good enough
21 reason.

22 MR. TURNER: I didn't think it would be, but I
23 thought I would try.

24 Can you show the witness only 3524, please.

25 BY MR. TURNER:

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1 Q Do you recognize 3524, Mr. Shaked?

2 A Yes, I do.

3 Q What is 3524, in general?

4 A This is the admission in which Abbas al-Sayed gave to a
5 police interrogator. Parts of it are written in Hebrew and
6 other parts are in Arabic.

7 Q And are you able to read both the Hebrew and the
8 Arabic?

9 A The Arabic handwriting it would be a bit difficult for
10 me, but with a little bit of effort I will manage to do it.

11 Q Now, is this one of the sources of information that you
12 had access to from the police files in reaching your
13 conclusions about Abbas al-Sayed in both Hamas and the Park
14 Hotel attack?

15 A Yes, indeed so.

16 MR. TURNER: Now, would you please show the
17 witness only 3553.

18 BY MR. TURNER:

19 Q Can you identify 3553?

20 A Yes, I do recognize.

21 Q What is 3553?

22 A Yes. This is the ruling regarding four members, four
23 senior members, of the cell who participated in that terror
24 attack in the Park Hotel.

25 MR. TURNER: Your Honor, we would offer 3553 as

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1 apostille convictions of these individuals.

2 THE COURT: That's received over objection.

3 (Plaintiffs' Exhibit 3553 received in evidence.)

4 MR. TURNER: May I have one moment?

5 THE COURT: Yes.

6 (Brief pause.)

7 MR. TURNER: Can we see you for one second?

8 THE COURT: Yes.

9 (Sidebar conference.)

10 (Continued on the next page.)

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SIDEBAR CONFERENCE

1127

1 MR. OSEN: Your Honor ruled that the confession of
2 Abbas al-Sayed was admissible.

3 THE COURT: I can't hear you.

4 MR. OSEN: Mr. Ingerman may have put it on the
5 list. We just wanted to make sure we didn't run afoul of
6 anything that he had raised.

7 THE COURT: I see.

8 MR. OSEN: So I just wanted to confirm before we
9 actually --

10 THE COURT: Is this one of the documents you don't
11 think was in the expert report?

12 MR. INGERMAN: I don't know what exhibit number
13 he's talking about.

14 MR. TURNER: 3511. No, 3511. 3511 is the ISA
15 report. 3554.

16 MR. INGERMAN: 3554?

17 THE COURT: Yes.

18 MR. INGERMAN: That is one that I put on the list.

19 MR. OSEN: Right.

20 THE COURT: Okay. So the objection is that
21 the -- the objection will be that the witness did not refer
22 to this document in his expert reports. That a document
23 nevertheless has been ruled admissible, and I think it's for
24 cross-examination to say that the witness' only relying on
25 it for the first time today.

SIDEBAR CONFERENCE

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1 So I will overrule that objection when it comes,
2 but I will note it.

3 MR. INGERMAN: Okay. We have our other objection
4 to these documents as well.

5 THE COURT: Yes, of course.

6 MR. INGERMAN: Thank you.

7 (End sidebar conference.)

8 (Continued on the next page.)

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SHAKED - DIRECT - TURNER

1129

1 MR. TURNER: May I proceed?

2 THE COURT: You may.

3 BY MR. TURNER:

4 Q Do you recognize 3554 which is before you?

5 A Yes, I do.

6 Q And what is 3554?

7 A This is the sentencing that was issued by the district
8 court in Tel Aviv against Abbas Sayed.

9 MR. TURNER: Your Honor, we offer 3554.

10 THE COURT: All right. That's received over
11 objection.

12 (Plaintiffs' Exhibit 3554 received in evidence.)

13 MR. TURNER: First of all, may we go to the
14 document on the screen.

15 This particular part --

16 MR. INGERMAN: Your Honor, objection. It's not
17 the same exhibit.

18 THE COURT: Oh. Let's take it off the screen.

19 MR. TURNER: Sorry.

20 THE COURT: Right. It's not the same exhibit.

21 MR. TURNER: Do you not have that on the slide?
22 Just go back to the document.

23 THE COURT: It may be the same exhibit. Are you
24 sure it's not the same exhibit?

25 MR. INGERMAN: It's not, your Honor.

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1 THE COURT: It's not just the English translation
2 of the conviction?

3 MR. OSEN: It's not on the conviction. It's the
4 interrogation, police report, which Mr. Shaked testified to
5 a few moments ago.

6 THE COURT: You have to clean this up. It's
7 confusing.

8 MR. TURNER: I'll go back and start over.

9 BY MR. TURNER:

10 Q All right. Let's go back to 3554, which you should
11 have on your screen.

12 THE COURT: I think you mean 3524. That's the
13 confusion.

14 MR. TURNER: I think we have 3554 on the screen.

15 THE COURT: I think you do, but I think you want
16 3524.

17 MR. TURNER: No, sir. I think going to 3524 was a
18 mistake on the slide. So I'm going back to start at 3554.

19 THE COURT: Okay. Go ahead.

20 BY MR. TURNER:

21 Q Do you recognize 3554?

22 A Yes, I do.

23 Q And what is 3554?

24 A This is the sentencing given to Abbas Sayed.

25 Q Now, during the course of the sentencing records, were

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1 you able to -- as part of your investigation, were you able
2 to determine whether Abbas al-Sayed confessed as part of the
3 sentencing?

4 A Abbas Sayed said that he does admit to all the details,
5 but he does not admit his guilt. And from what I understand
6 from all the documents, indeed Abbas Sayed did plead guilty.

7 Q Now we want to go back to 3524 -- if you'll put that in
8 front of you -- which is the police interrogation that we
9 looked at a moment ago.

10 Now, did you have an opportunity as part of your
11 investigation to compare al-Sayed's interrogation
12 investigation with the sentencing confession that he made?

13 MR. INGERMAN: Objection.

14 THE COURT: Overruled.

15 A Yes, I did.

16 BY MR. TURNER:

17 Q And were they consistent with one another?

18 A Yes, they are consistent with each other.

19 Q Including insofar as his role with Hamas was concerned?

20 A Yes.

21 Q And the Park Hotel?

22 A Regarding Park Hotel as well.

23 Q Now, 3524, which is the interrogation document in front
24 of you, have you seen these type government documents
25 before?

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1 A Yes.

2 Q Approximately, how many years have you been evaluating
3 these kinds of documents in your profession?

4 A I can only tell you that I've been looking over these
5 kinds of documents since my very first years working in the
6 ISA. And I still go over such documents today. That means
7 I'm talking about 40 years and more than that.

8 Q And do you recognize the government form?

9 A Of course.

10 Q Including the names included on 3524?

11 A Yes.

12 Q And the reference to the Park Hotel attack?

13 A Yes.

14 MR. TURNER: We offer 3524.

15 THE COURT: That's received over objection.

16 (Plaintiffs' Exhibit 3524 received in evidence.)

17 MR. INGERMAN: May we have a sidebar?

18 THE COURT: Are you almost done with Park Hotel?

19 MR. TURNER: Yes, sir.

20 THE COURT: After I rule on this at sidebar, how
21 much more do you have on Park Hotel?

22 MR. TURNER: One postcard.

23 THE COURT: All right. Let's have a sidebar.

24 (Sidebar conference.)

25 (Continued on the next page.)

SIDEBAR CONFERENCE

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1 MR. INGERMAN: Your Honor, this is an unapostilled
2 interrogation report for Mr. al-Sayed. It doesn't mention
3 the Park Hotel by name. It mentions some of the players.
4 And Mr. Shaked testified that he actually -- that Mr. Sayed
5 denied his guilt in the confession.

6 And it's hugely prejudicial because they are going
7 to point out in the slides that are coming that he
8 referenced money that he got in an Arab Bank account which
9 is in connection with a different operation other than the
10 Park Hotel. We think it would be misleading, confusing to
11 the jury, and unfairly prejudicial among the other
12 objections of 801 and 901.

13 THE COURT: Well, first of all, as to the 801,
14 I've held it's a declaration against interest. As to the
15 901, I think the witness has testified that this document is
16 typical of the kinds of documents he's reviewed and has been
17 reviewing for over 40 years.

18 If it helps, you should ask him this question,
19 although I'm loathe to require it as we're spending a lot of
20 time on technicalities that are not furthering the search
21 for truth, but go ahead and ask him how do you know this is
22 real. Ask him that question. Then if you ask him that
23 question and I get a satisfactory answer, I will overrule
24 the 901 objection.

25 On the 403 objection, I do not think it's unduly

SIDEBAR CONFERENCE

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1 prejudicial. I think it is highly probative and because of
2 its probative value, I think the prejudicial impact is
3 outweighed.

4 So the objections are overruled.

5 (End sidebar conference.)

6 (Continued on the next page.)

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1 MR. TURNER: May I proceed?

2 THE COURT: You may.

3 BY MR. TURNER:

4 Q Going back to 3524, Mr. Shaked, looking at this
5 document, how do you know this document is real or
6 authentic?

7 A It includes all the necessary details starting with the
8 identity card number of the terrorist, Abbas Sayed, the
9 personal details of the officer who took the testimony, the
10 date, the place of the questioning, the format -- I
11 recognize the format of such documents, and of course the
12 reference to activities in which Abbas Sayed is accused.

13 In addition to that, there is a handwriting which you
14 can compare to other handwritten documents written by Abbas
15 Sayed.

16 THE COURT: You maintain your offer?

17 MR. TURNER: Yes, sir.

18 THE COURT: It is admitted over objection.

19 MR. TURNER: If we can move to the first slide.

20 May we use the presenter?

21 THE COURT: Yes.

22 MR. TURNER: This is the translated version.

23 BY MR. TURNER:

24 Q Were you able to use this portion, Mr. Shaked, to
25 confirm Mr. al-Sayed's history with Hamas?

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1 A Yes.

2 Q And do you recognize the name Jamal Mansur?

3 A Yes.

4 Q And who was Jamal Mansur at the time?

5 A Jamal Mansur was one of the heads of the Hamas
6 movement, one of its commanders in Nablus, and a member of
7 his senior leadership.

8 Q And who was Khaled Mashal?

9 A Khaled Mashal at the time was the head of the Political
10 Bureau of Hamas. He was, in fact, the leader of the Hamas
11 movement. And he dwelled in Damascus at the time.

12 Q And of course Osama Hamdan we referenced earlier about
13 the CNN video, correct?

14 A True.

15 Q And the last two, al-Rantisi and Yusuf Ramallah, do you
16 recognize those two names?

17 A Yes, I recognize the names.

18 Q And were they involved with Hamas?

19 A Both of them were top activists, very senior activists,
20 of Hamas. One of them acted in the Gaza Strip and the other
21 one was in the West Bank.

22 Q And is this another example of cross-referencing
23 information to confirm that al-Sayed was appointed as
24 representative of Hamas in Tulkarem?

25 A Yes.

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1 Q Let's go to the next slide, continuing on with this
2 same document, 3524. There is a quote, "The money that I
3 paid for the weapons was transferred to my private bank
4 account in Arab Bank in Tulkarem. This money was sent from
5 the USA to my account," end quote.

6 Did I read that correctly?

7 A Yes.

8 Q At the time of these events, approximately, what was
9 the population of Tulkarem?

10 A I would estimate it at 22,000 to 26,000 residents.

11 MR. TURNER: Now, if we could go to the next
12 slide, same document. We should have one more slide.
13 That's okay. All right.

14 Now, finally if you would, put before the witness
15 1090, page 25.

16 BY MR. TURNER:

17 Q And I want to ask you a second about memorializations
18 and then we're done with the Park Hotel.

19 Do you recognize Exhibit 1090, page 25?

20 A Yes, I do.

21 Q Do you recognize the image? If so, who is it?

22 A I recognize the picture. It says shahid al-Qassam,
23 which means the material member of the al-Qassam,
24 Abdel-Basset Odeh.

25 MR. TURNER: We offer 1090, page 25.

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1 MR. INGERMAN: Same objection with respect to the
2 report, your Honor.

3 THE COURT: I'm not going to admit the exhibit. I
4 will allow it to be shown to the jury for demonstrative
5 purposes as part of the expert's opinion.

6 MR. TURNER: Thank you, your Honor. May we put it
7 up on the slide?

8 THE COURT: Yes.

9 MR. TURNER: This is 1090, page 25, for
10 demonstrative only.

11 BY MR. TURNER:

12 Q Mr. Shaked, do you recognize the individual in the
13 photograph as the suicide bomber responsible for the Park
14 Hotel attack?

15 A Yes, I recognize him.

16 Q And can you interpret the Arabic?

17 A It says first quoted in Arabic, "The shahid member of
18 al-Qassam, Abdel-Basset Odeh, who did the operation in
19 Netanya, the sacrifice operation of Netanya."

20 Q And finally, did you also in addition to all of these
21 other sources of information, have an opportunity to
22 personally interview Abbas al-Sayed in prison?

23 A Yes, did I interview him in jail.

24 MR. TURNER: This is a good stopping point, your
25 Honor.

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1 THE COURT: All right. Ladies and gentlemen,
2 we'll take our lunch break. We'll reconvene at 1:45. Have
3 a good lunch. Don't talk about the case. Stay away from
4 any press coverage. See you in an hour and five minutes.

5 (Jurors exit the courtroom.)

6 THE COURT: Okay. Recess till 1:45.

7 (Luncheon recess taken.)

8 (Continued on the next page.)

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1 (Outside the presence of the jury.)

2 THE COURT: Please bring in the jury.

3 (In the presence of the jury.)

4 THE COURT: Be seated, please.

5 Continue, Mr. Turner.

6 MR. TURNER: Thank you, your Honor.

7 Q Mr. Shaked, have you also had the opportunity to
8 investigate the suicide bombing at a place called the
9 Sheffield Club in Rishon, on May 7th, 2002?

10 A Yes.

11 MR. TURNER: Can we post the slide?

12 THE COURT: You may.

13 Q Were you able to identify the suicide bomber?

14 A Yes.

15 Q Who was the suicide bomber?

16 A At the bottom of the picture, there's the picture of the
17 suicide bomber, Muhammad Muammar.

18 Q Were you able to determine whether Muammar acted alone or
19 whether he was acting for Hamas?

20 A Muammar acted for the Hamas, as member of Hamas, on
21 behalf of Hamas.

22 Q Can you briefly tell us where the Sheffield Club was at
23 the time and what it was?

24 A The Sheffield Club is located in a city called Rishon,
25 south of Tel Aviv, in an industrial zone. It is a club to

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1 which different people come to spend some time in the wee
2 hours of night. They drink there. They play cards, different
3 table games. They also play billiards, for example. It is a
4 place to come, and have fun and enjoy one's self.

5 Q Were you able to determine from your investigation how
6 many people were killed and how many reported injuries there
7 were in this suicide attack?

8 A Yes. Fifteen people got killed and about fifty injured.

9 Q And based on your investigation, who built the bomb?

10 A The bomb was built by the same terrorist we discussed by
11 the name of Abdulla Barghouti.

12 Q The one you interviewed?

13 A Yes, I interviewed him.

14 Q And did you personally talk with him about this terrorist
15 attack as well?

16 A Yes, I discussed the suicide bombing with him.

17 Q In this particular attack, based upon your investigation,
18 how was the bomb disguised?

19 A In this case, it was a relatively large explosive charge.
20 Some of it was hidden in a bag in which there were shampoo
21 bottles that the explosives were inserted into to; the other
22 part was in an explosive built in like other cases of
23 terrorist attacks.

24 Q In discussions, including your conversation with
25 Barghouti, did you learn information about ball bearings and

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1 screws, things of that nature, in these bombs?

2 A Yes.

3 Q What did you learn?

4 MR. INGERMAN: Objection, your Honor.

5 THE COURT: Overruled. Well, I'm going to sustain
6 that objection.

7 MR. TURNER: So you understand that he cannot
8 answer?

9 THE INTERPRETER: Yes.

10 Q Mr. Shaked, during the course of your investigation of
11 these 24 attacks, and especially in the multiple attacks that
12 Barghouti, the bomb maker, was involved in, in your
13 interviews, were you able to determine a course, or pattern or
14 practice of Barghouti, including certain items in bombs for
15 maximum effect?

16 MR. INGERMAN: Objection.

17 THE COURT: Sustained as to form.

18 Q Were you able to learn any information during your
19 investigation from Barghouti or any other source information
20 about the contents of bombs?

21 MR. INGERMAN: Objection.

22 THE COURT: Sustained.

23 Q Now, you have two individuals on your chart, both by the
24 name of Abbasi. Do you see those individuals in the lower
25 right-hand corner?

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1 A Yes, I can see them.

2 Q What role did each play in the attack in Rishon?

3 A The first one was Wisam Abbasi. He is a member in Hamas
4 organization. He was the one to choose the Sheffield club as
5 the sight for the terror attack, whereas Ala Abbasi, on the
6 right-hand side of the picture, was an active member of Hamas.
7 He collected information about the target, which is the
8 Sheffield Club in Rishon.

9 Q To the right and left of Abdulla Barghouti, on the right
10 side, there's Wael Qassam and Muhammad Arman. Are those the
11 same two individuals we've seen previously in some of the
12 attacks?

13 A Indeed, these are the same two that were involved in
14 previous terrorist attacks.

15 Q Likewise, have we previously seen Ibrahim Hamed?

16 A Yes, we did see Ibrahim Hamed was the senior commander of
17 Hamas in Ramallah.

18 MR. TURNER: If you would only show the witness,
19 please, 3598.

20 Q Do you recognize 3598?

21 A Yes, I do.

22 Q What is 3598?

23 A This is the official claim of responsibility by Hamas for
24 the perpetration of the terror attack at the Sheffield Club.

25 Q What is the source of 3598, please?

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1 A The source is the Internet website of Qassam Brigade, the
2 military wing of Hamas.

3 MR. TURNER: We would offer that into evidence,
4 your Honor.

5 THE COURT: Same objection?

6 MR. INGERMAN: Yes, your Honor.

7 THE COURT: Received over that objection.

8 (Plaintiffs' Exhibit 3598 was received.)

9 MR. TURNER: Let's go to the slide, if you would,
10 Mr. Miller, with the English version on it.

11 Is that all right, your Honor?

12 THE COURT: Yes. We're putting it up.

13 Q Now, there are a couple of things that I would like to
14 talk to you about very briefly first off.

15 MR. TURNER: First of all, if you could blow up the
16 lower paragraph, and let's talk about the description of the
17 attack for a moment.

18 Q Take a moment and read that to yourself, if you would,
19 Mr. Shaked. My question is, is that consistent with the other
20 information you were able to find during your investigation of
21 this terrorist attack?

22 A Yes.

23 MR. TURNER: Now, if you could back out of that,
24 Mr. Miller, and enlarge the first paragraph. Starts
25 without -- no, go back to the exit right up there.

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1 Q Now, this particular part of the official claim of
2 responsibility indicates that, without revealing their names,
3 in addition, some of their valiant brothers of al-Qassam
4 carried out many operations for which we did not claim
5 responsibility, at the time, due to difficult security
6 conditions.

7 Based on your investigation, can you explain what
8 that means in terms of security in Israel?

9 MR. INGERMAN: Objection.

10 THE COURT: The witness can state his understanding
11 of what it means.

12 THE WITNESS: I understand there are cases in which
13 Hamas would not claim official responsibility as quickly as it
14 does in other cases, and that is for security reasons. They
15 might not want to harm the family, or other perpetrators or
16 other people who are still alive and related to the case, to
17 this specific terror attack, and have not been arrested yet.
18 And this is why, for security reasons, they would delay the
19 publicity or the publication of this claim of responsibility.

20 Q Now, the second sentence in this particular excerpt
21 indicates this official claim of responsibility was delayed
22 for five years. Was that something that you saw from time to
23 time in investigating these 24 attacks, this type of delay?

24 A Yes, I have seen something like that, but not five years.

25 MR. TURNER: Now, your Honor, may I display 3811,

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1 which is in evidence, but only the portion that pertains to
2 the Rishon terrorist attack?

3 THE COURT: Yes.

4 Q Now, this is the ISA report or at least the portion of
5 the Israeli Security Agency report that provides information
6 about the Rishon terrorist attack; is that correct?

7 A Yes.

8 Q And did this information published by the ISA help you
9 cross-check the information you were finding from the other
10 sources, in terms of the identity of not only the suicide
11 bomber but some of the other participants in the attack?

12 A Yes, it was of help to me.

13 MR. TURNER: If you could show the witness only
14 3513, please.

15 Q Do you recognize 3513?

16 A Yes, I do.

17 Q And what in general is 3513?

18 A This is a statement, a document published by the
19 Premier's Office, in which it brings the statement made by the
20 ISA, exposing the terror infrastructure that carried out the
21 terror attacks in Rishon and also another place, and that was
22 on a street in Tel Aviv.

23 Q Did 3513, likewise, assist you in cross-checking the
24 accuracy of the information you were finding?

25 A Indeed, it is another source to cross-check reference.

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1 Q Although we've already seen these and will not look at
2 them again, 3356 and 3658 are both already in evidence as
3 Apostille convictions of Barghouti and Muhammad Arman. Did
4 those, likewise, assist you in your investigation, in trying
5 to determine whether Hamas was responsible for this terrorist
6 attack?

7 A Indeed, so.

8 Q Now, in addition to Barghouti, did you also have an
9 opportunity to personally interview Wael Qassam?

10 A Yes, I interviewed Wael Qassam as well.

11 Q In interviewing Wael Qassam, was that in prison?

12 A Yes, I interviewed him when he was in prison.

13 Q And did that interview, likewise, assist you in
14 confirming your conclusions?

15 A Yes, it did help me confirm that evidence in the
16 materials that I already had.

17 Q Now, in terms of memorialization, did you also have an
18 opportunity to review any information indicating that a
19 mourners' tent, a ceremonial mourners' tent, was prepared by
20 Hamas for this particular terrorist suicide bomber?

21 A Yes, a mourners' tint was put up in memory of the suicide
22 bomber.

23 Q Did you also have an opportunity to investigate the
24 bombing of Bus 32-A, near a place called Pat Junction, in
25 Jerusalem that occurred in June of 2002?

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1 A Yes, I did.

2 Q Were you able to determine who the suicide bomber was in
3 the Pat Junction Bus 32-A terrorist attack?

4 A Yes.

5 MR. TURNER: May we display the slide?

6 THE COURT: Yes.

7 Q Would you tell the ladies and gentlemen who the suicide
8 bomber was of Bus 32-A, near Pat Junction, in Jerusalem?

9 A The suicide bomber was Muhammad al Ghoul, an MA student
10 at the University in Nablus.

11 Q Were you able to determine whether al Ghoul was acting on
12 his own or whether he was acting for Hamas in carrying out
13 this terrorist attack?

14 A Muhammad al Ghoul acted for Hamas, on behalf of Hamas, in
15 the name of Hamas.

16 Q What role did Fahmi Mashahrah play in this particular
17 attack?

18 A Fahmi Mashahrah lived in east Jerusalem, was an
19 operative, planned the attack and dispatched the bomber to the
20 bus stop where it was carried out.

21 Q What role did Ramadan Mashahrah play?

22 A Ramadan is Fahmi's brother. They planned this attack
23 together as a family. They're both members -- were both
24 members of Hamas. They planned it together. They decided
25 where it would be carried out. They dispatched the suicide

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1 bomber together to the bus stop.

2 Q What about Muhamad al-Taher? What role did al-Taher play
3 in this particular attack?

4 A Muhamad al-Taher is a senior commander of Hamas in
5 Nablus. He was the one who recruited the suicide bomber to
6 carry out this attack.

7 Q And, finally, Ali Anan?

8 A Ali Anan is the Hamas commander in southern West Bank.
9 He is the person who actually put the explosive belt on the
10 suicide bomber, Muhamad al Ghoul, and coordinated the attack.

11 Q So we understand where Pat Junction is, can you describe
12 for us very briefly where Pat Junction is within Jerusalem and
13 the significance of Bus 32-A?

14 A It's -- Pat Junction is located between the center of
15 Jerusalem and a neighborhood called Gilo, which is populated
16 by middle to lower class people who are in need of public
17 transportation in order to go to work and especially students
18 and pupils going to school.

19 Q During the course of your investigation, were you able to
20 determine anything about the suicide bomber, al Ghoul, in
21 terms of his relationship to Hamas and his prior activity
22 within Hamas?

23 A Muhamad al Ghoul was an operative in Hamas, in the
24 University in Nablus. Based on the details I was able to
25 gather, he had tried twice before to carry out the suicide

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1 bombing but had been unsuccessful, and he succeeded the third
2 time.

3 MR. TURNER: Show the witness only, please, 33611.

4 Q Can you identify 3611?

5 A Yes, I can.

6 Q What is 3611, please?

7 A This is the official claim of responsibility taken by Izz
8 al-Din al-Qassam. They're taking responsibility for the bus
9 attack at Pat Junction in Jerusalem.

10 Q What is the source of 3611?

11 A It is the official Internet site of Izz al-Din al-Qassam,
12 the military wing of Hamas.

13 Q Did this particular Exhibit, 3611, the official claim of
14 responsibility for this terrorist attack by Hamas, assist you
15 in concluding that Hamas was responsible?

16 A Yes, it did help me to determine that Hamas is
17 responsible -- was responsible for the attack.

18 MR. TURNER: We offer 3611.

19 THE COURT: That's received over objection.

20 (Plaintiffs' Exhibit 3611 was received.)

21 Q With respect to the ISA, were you able to review the
22 section of the ISA report pertaining to this particular
23 terrorist attack, which is previously been marked as 3811?

24 A Yes, I reviewed that part of the ISA report regarding the
25 role of the suicide bomber in this attack.

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1 Q Did that assist you in reaching your conclusion?

2 A Yes, it helped me to draw my conclusions and to
3 cross-check my information.

4 Q In addition the ISA report, did you also have access to
5 other government records, for instance, the conviction records
6 of the Mashahrah brothers?

7 A Yes, I read the legal reports, and I followed the trial
8 of these two people.

9 MR. TURNER: Could you show the witness only,
10 please, 3617?

11 Q Do you recognize 3617?

12 A Yes, I do.

13 Q What is 3617?

14 A Yes, this is the verdict of the military court that tried
15 Fahmi Mashahrah, one of the brothers.

16 MR. TURNER: We offer 3617 as Apostille conviction
17 record of Fahmi Mushahrah.

18 THE COURT: Received over objection.

19 (Plaintiffs' Exhibit 3617 was received in
20 evidence.)

21 MR. TURNER: Show the witness, please 3647.

22 Q Can you identify 3647?

23 A Yes, I can.

24 Q What is 3647?

25 A This is a conviction of the other brother, whose name is

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1 Ramadan Mashahrah.

2 Q And have you had an opportunity to review this conviction
3 record?

4 A Yes.

5 Q Were you actually in the courtroom the day of Ramadan
6 Mashahrah sentencing?

7 A Yes, I was present in the courtroom.

8 Q And was the terrorist required to allocute or stand up in
9 court and announce what he was guilty of?

10 A Yes, he was -- the terrorist was asked to allocate and
11 confess to his crimes.

12 Q Were you present to hear that confession?

13 A I was present at the confession.

14 Q And after the sentencing, did you obtain a copy of those
15 conviction records?

16 A Yes, I got it from the clerk in the court.

17 Q And was what you heard in the courtroom, what you heard
18 Ramadan Mashahrah say in the courtroom consistent with the
19 record you're now looking at on the screen?

20 A Yes.

21 MR. TURNER: We would offer 3647 as a non-Apostille
22 conviction record of Ramadan Mushahrah for this attack.

23 THE COURT: Received over objection.

24 (Plaintiffs' Exhibit 3647 was received in
25 evidence.)

SHAKED - DIRECT - TURNER

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1 MR. TURNER: Show the witness, please, only 3645.

2 Q Can you identify this Israel Ministry of Foreign Affairs
3 document?

4 A Yes, I can identify it.

5 Q Does this relate to the terrorist attack at Pat Junction
6 in Jerusalem?

7 A It is, indeed.

8 Q And in cross-checking the various sources of information
9 available, did this assist you in confirming that Hamas was,
10 in fact, responsible for this attack?

11 A It did, indeed.

12 MR. TURNER: Show the witness only, please, 3625.

13 Q Can you identify 3625?

14 A Yes, I can identify it.

15 Q What is 3625?

16 A This is the expert opinion of a police explosives' expert
17 who examined the findings at the site of the terror attack,
18 and this is the report on what he found.

19 Q Is this the type of report that you've seen over the past
20 30 years?

21 A Yes, this document is very similar to other documents
22 that I have seen.

23 Q What is the source of this particular document?

24 A The source is the Israel police.

25 Q Did this document assist you in cross-referencing the

SHAKED - DIRECT - TURNER

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1 various factual pieces of information you found during the
2 course of your investigation, linking Hamas to this terrorist
3 attack?

4 A Yes, it did help me.

5 Q Is this sometimes referred to in Israel as a SAPA
6 (phonetic) report?

7 A Yes, it is.

8 MR. TURNER: We offer 3625.

9 THE COURT: All right. Received over objection.
10 (Plaintiffs' 3625 was received in evidence.)

11 MR. TURNER: Show the witness only, please, 3613.

12 Q In addition to these other sources of information, did
13 you, likewise, in this particular case, have access to a will
14 of the suicide bomber prepared prior to the terrorist attack?

15 A Yes, I saw and read the will of the suicide bomber.

16 Q And in the will itself, there is an image. Were you able
17 to identify the image?

18 A Yes, I can identify that image.

19 Q Who is the photograph of?

20 A It is a picture of the suicide bomber Muhammad al Ghoul.

21 Q What is the source of the will? Where did you get it?

22 A The will was published on the official site of Hamas on
23 the Internet.

24 Q Did this information assist you in determining that
25 al Ghoul was, in fact, the suicide bomber responsible for the

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1 deaths and injury at this particular terrorist attack?

2 A Yes, it did help me.

3 MR. TURNER: We offer 3613.

4 MR. INGERMAN: You've already excluded that,
5 your Honor.

6 THE COURT: I think I did.

7 MR. TURNER: Show the witness only, please, 3636.

8 Q Can you identify 3636 as specifically the person in the
9 image?

10 A Yes, I can, and I can identify the person who appears in
11 the picture.

12 Q And does this relate to the Bus 32-A bombing at Pat
13 Junction?

14 A Yes, it was related to the bus at the Pat Junction.

15 Q And does this relate in any way to Hamas, and, if so, how
16 do you know that?

17 A This is a picture of Muhammad al-Taher, the commander of
18 Hamas, in Nablus, whom I'm familiar with. It says it also on
19 the picture. Around him are pictures of terrorists for whom
20 he built bombs, and this is in order to glorify his name, as
21 it were. And there's also a picture of the terrorist who blew
22 up the bus at the Pat Junction.

23 Q Is this one of the memorialization-type materials or
24 sources of information that assisted you?

25 A Yes, this is, indeed, a memorialization material related

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1 to Hamas.

2 Q Did you have an opportunity to investigate the bombing
3 that took place at Hebrew University in July of 2002, at
4 something called the Frank Sinatra student cafeteria in
5 Jerusalem?

6 A Yes, I did investigate the terror attack that was carried
7 out in the Frank Sinatra cafeteria at Hebrew University in
8 Jerusalem.

9 Q Were you able to determine the responsible party or at
10 least some of the responsible parties involved in this
11 terrorist attack?

12 A Yes, Hamas was responsible for this terror attack, and
13 based on my finding, there were a number of people who were
14 connected with this terror attack.

15 MR. TURNER: May we display the slide?

16 Q How many people were killed in this particular terror
17 attack at Hebrew University?

18 A Nine students and university faculty were killed in this
19 terror attack.

20 Q And how many were reported to be injured?

21 A There were about 70 people injured as a result of the
22 explosion.

23 Q Now, your slide has three individuals at the bottom.
24 First of all, the two Abassi names, what roles did they play
25 in this particular attack?

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1 A If we go from left to right, we have Muhammad Abassi. He
2 worked in the university, and he was a Hamas operative, and he
3 chose the place where the terror attack would be carried out.

4 THE INTERPRETER: Excuse me. I would like to
5 correct. He chose the place where to place the bomb.

6 THE WITNESS: In the middle of the picture, we have
7 Allah Abbasi. He was Hamas operative. He collected the
8 intelligence on the target for the attack.

9 Q What about Muhammad Odeh?

10 A I mentioned Muhammad Odeh earlier. I think you may be
11 referring to Wisam Abbasi --

12 Q I'm sorry.

13 A He was also among those who collected intelligence and
14 various details on the place where to place the bomb,
15 regarding the cafeteria.

16 Q The three in the middle row we've seen on some of the
17 other attacks; Wael Qassam, Abdulla Barghouti, and Muhammad
18 Arman. Were you able to determine during the course of your
19 investigation that these individuals were, in fact, involved
20 in this particular attack?

21 A Yes, I could determine that those three were directly
22 related to the terror attack.

23 Q Did -- your personal interviews of Barghouti and Qassam,
24 while they were in jail, did those assist you in reaching
25 conclusions about the perpetrators of this particular

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1 terrorist attack and Hamas' role?

2 A Yes, in the interviews I conducted with them, they told
3 me about it, and that was a great help to me when I came to
4 cross-check it and to reach my conclusions.

5 MR. TURNER: You might pull that microphone a little
6 bit closer.

7 THE INTERPRETER: Sorry.

8 Q Tell us a little bit about Hebrew University and the
9 Frank Sinatra cafeteria. Where is that located, and why is
10 this particular place significant in terms of attacks like
11 this?

12 A The cafeteria -- the Frank Sinatra cafeteria is in a very
13 central place at the University of Jerusalem. It is the
14 central cafeteria where I myself have been dining daily for
15 the past four years. There are many students who go there not
16 only to eat but also to meet one another and spend time. It
17 is a relatively large place that is always crowded around
18 lunchtime, which is the time they go and have their lunch, not
19 just students but also teachers and professors. This is also
20 a central meeting point for students.

21 MR. TURNER: Would you show the witness only, please
22 3676.

23 Q Can you identify 3676?

24 A Yes.

25 Q What is 3676, please?

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1 A This is the written official claim of responsibility made
2 by Hamas for the terror attack at the Hebrew University in
3 Jerusalem.

4 Q How do you know this is from Hamas?

5 A Because it has the insignia of Hamas. It has the
6 official logo of Hamas. It has the special language used by
7 Hamas, including slogans of Hamas. And according to my
8 experience and what I read in other statements and claims of
9 responsibility, Hamas documents I conclude that this is,
10 indeed, Hamas.

11 Q How did you first personally receive this particular
12 claim of responsibility?

13 A I think it was three-and-a-half hours after the attack.
14 When I returned from the Hebrew University to my office in the
15 center of town, my secretary handed it over, this document
16 that arrived by fax.

17 Q And were you able to identify the fax number that it came
18 from?

19 A No, I couldn't.

20 Q And did you subsequently learn any additional information
21 confirming Hamas' role in this particular attack?

22 A Indeed, I did receive many more documents and testimonies
23 that prove that this was an act done by Hamas.

24 Q One of the sources of information would be conviction
25 records. Did you have access in this particular case to

Sidebar

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1 conviction records relating to the Sil Won (phonetic) cell for
2 this particular attack?

3 MR. INGERMAN: Your Honor, may we approach?

4 THE COURT: Sure.

5 THE WITNESS: Your Honor, may I go to the bathroom
6 for a minute?

7 THE COURT: The answer is yes. I guess you can't
8 wait 20 minutes.

9 THE WITNESS: I'll wait. Thank you.

10 (Sidebar held outside the presence of the jury.)

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Sidebar

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1 MR. INGERMAN: Your Honor, with respect to 3676, I
2 think they put the cart before the horse there. I thought he
3 was going to be able to authenticate it in some way. He
4 couldn't. The testimony to the jury was that he saw an
5 official claim of Hamas, and I'd ask that that testimony be
6 struck.

7 THE COURT: Well, they haven't moved the exhibit in.

8 MR. INGERMAN: I agree with that, which is why it
9 shouldn't have been read in before authentication.

10 THE COURT: I don't think he read it in. He
11 described it generically as official claim of responsibility
12 by Hamas. I don't think he read a part.

13 MR. INGERMAN: No, but -- the description was
14 official that he provided, left the jury with the
15 understanding that it was an official claim of responsibility
16 by Hamas.

17 THE COURT: I think the jury understands that he is
18 basing his opinion on something that he considers to be an
19 official statement of responsibility from Hamas, that has not
20 been moved into evidence. It's been testified to as part of
21 the basis for his opinion, and I think it's okay for an expert
22 to do that, so I'll overrule the objection.

23 (Sidebar concluded.)

24

25

1 (In the presence of the jury.)

2 THE COURT: All right. Ladies and gentlemen, we're
3 going to take our afternoon break now. We will reconvene at
4 five minutes to 3:00. You know not what to talk about. So
5 we'll see you in 15 minutes. Thank you very much.

6 (Outside the presence of the jury.)

7 THE COURT: Five to 3:00.

8 (Recess in proceedings.)

9 (Proceedings continued on the following page.)

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1 (Honorable Brian M. Cogan takes the bench.)

2 THE COURT: Jury please.

3 (Jury is in the courtroom at 2:57 p.m.)

4 THE COURT: Be seated. Continue, Mr. Turner.

5 MR. TURNER: Thank you, your Honor.

6 DIRECT EXAMINATION (Continued)

7 BY MR. TURNER:

8 Q I believe when we broke, Mr. Shaked, we were talking
9 about Exhibit 3592, which is already in evidence. It is the
10 conviction records of associated with the Silwad cell which
11 included the Hebrew University bombing. Are you familiar
12 with that fact?

13 A Yes.

14 Q And did those conviction records affirm for you your
15 conclusions that Hamas was responsible for the terrorist
16 attack at Hebrew University in the Frank Sinatra Cafe?

17 A Yes, they do assist me in making this determination.

18 Q Did you have an opportunity to investigate the bombing
19 on Bus Number 4 Allenby in Tel Aviv that occurred on
20 September 19, 2002?

21 A Yes.

22 Q And were you able to identify the suicide bomber on
23 Bus 4?

24 A Yes.

25 MR. TURNER: May we display the slide?

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1 THE COURT: Yes.

2 Q Who was the suicide bomber?

3 A Hi name is Iyad Raddad.

4 Q Were you able to determine whether or not Raddad was
5 acting on his own or working for Hamas when he carried out
6 the terrorist attack Bus Number 4 Allenby Street?

7 A No, he was not on his own, he operated on behalf of
8 Hamas, for Hamas, as a member of Hamas.

9 Q So that we have an understanding of Allenby Street, can
10 you please describe for us back in 2002 what Allenby Street
11 was in Tel Aviv and the significance of Bus Number 4?

12 A Allenby Street is the center street in Tel Aviv leading
13 from north to south. It is an extremely crowded street. It
14 is a center for shopping, restaurants and entertainment.
15 Right next to where the explosion took place, there is also
16 a synagogue. The attack took place in the junction of
17 Voltribe (phonetic) Boulevard and Allenby Street. This is a
18 very, very central junction in Tel Aviv. I could compare it
19 to the 5th Avenue and 42nd Street of New York, it is the
20 very hub of Tel Aviv.

21 Q Now, you've got four individuals shown on the slide
22 depicting the terrorists involved in this particular attack.
23 Again, beginning at the top, we already talked about the
24 suicide bomber at the bottom, beginning at the top, Ibrahim
25 Hamed. Is that the same gentleman that we've seen in a

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1 number of other attacks?

2 A Indeed, it is the same Ibrahim Hamed, a senior Hamas
3 commander in the West Bank in Ramallah.

4 Q And what about Hasnin Rumana, what role did he play in
5 Hamas?

6 A Hasnin Rumana was a senior Hamas member. He was the
7 military commander of Hamas. He was the liaison between
8 Mahmoud Sharitah, the third one that appears in the slide,
9 and he was the one that connected between the higher
10 headquarters of Hamas and had a key role in this terror
11 attack.

12 Q And what was Sharitah's role in this terror attack?

13 A He was a senior member of Hamas. He was a student in
14 the largest university of the West Bank. He did not reside
15 in Ramallah, which is located south of West Bank. He was
16 the one who recruited and dispatched the suicide bomber to
17 perpetrate the attack in Tel Aviv.

18 MR. TURNER: Show the witness only, please, 3694.

19 Q Can you identify 3694, sir?

20 A Yes, I do.

21 Q What is 3694?

22 A This is the official claim of responsibility by Hamas
23 for the terror attack on Allenby Street in Tel Aviv.

24 Q What is the source of 3694?

25 A It is the official internet website of Hamas.

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1 MR. TURNER: We offer 3694.

2 THE COURT: All right. Received over objection.

3 (Plaintiff Exhibits 3694 was admitted into
4 evidence.)

5 Q In addition to the official claim of responsibility,
6 did you have access to the Israel Security Agency report
7 reporting the details of the investigation surrounding this
8 particular attack in Tel Aviv?

9 A Yes, I did have access to that.

10 MR. TURNER: May we display 3811, which is in
11 evidence, but only the portion pertaining to the Allenby
12 Attack?

13 THE COURT: Yes.

14 Q The ISA report, Mr. Shaked, indicates that Raddad was,
15 in fact, the suicide bomber. Is that, in fact, consistent
16 with your findings?

17 A Yes, this is consistent with my findings.

18 Q It also indicate that Raddad was originally from Jordan
19 and was the age 23. Is that consistent with what you found?

20 A Yes, I did confirm that.

21 Q The terrorist Sharitah's name is also referenced in
22 this particular report. Is that consistent with your
23 findings?

24 A Indeed, sir.

25 Q Now, let's go to --

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1 MR. TURNER: Show the witness only, please, 3692.

2 Q Can you identify 3692?

3 A Yes, I can.

4 Q Can you generally describe what 3692 is, please, sir?

5 A This document is a document issued by the police
6 laboratory, which examined the findings in the scene and
7 brought those findings that actually informed them about the
8 materials used by the terrorist in order to build the bomb.

9 Q Did 3692 assist you in reaching your conclusions that
10 Hamas was, in fact, responsible for this particular attack?

11 A Yes, the findings did assist me.

12 Q And what is the source of 3692, what agency does that
13 come from in the government in Israel?

14 A The entity examining such cases is the Israel police.
15 It came from the forensic department of the Israel Police.

16 MR. TURNER: We offer 3692.

17 THE COURT: All right. Received over objection.

18 (Plaintiff Exhibit 3692 was admitted into
19 evidence.)

20 MR. TURNER: Would you show the witness, please,
21 3513.

22 Q Can you identify 3513?

23 A Yes, I can.

24 Q What is 3513?

25 A This is a report issued by the prime minister's office

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1 which described two terrorist attack after they were
2 uncovered and after the cell that perpetrated them was
3 uncovered. One of them was the attack on Allenby Street in
4 Tel Aviv.

5 Q Did this likewise assist you in confirming and
6 crosschecking the information to make sure that it was
7 accurate?

8 A Yes, it did help me crosscheck the information.

9 Q Now, in addition to these other sources, did you also
10 have available to you conviction records for people
11 associated with the Allenby attack?

12 A Yes, I did.

13 MR. TURNER: Can you please show the witness 3686.

14 Q Can you identify 3686?

15 A Yes, I can.

16 Q What is 3686?

17 A This is Mahmoud Sharitah. He is the person who
18 dispatched the suicide bomber to the attack. I'm sorry,
19 this is the verdict. Sorry. This is the verdict of Mahmoud
20 Sharitah, the person who dispatched the suicide bomber to
21 the attack.

22 Q With Sharitah, did he confess, according to these
23 records, or did he plead guilty, what happened in this court
24 proceeding?

25 A Sharitah indeed confessed to his action and it was

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1 based on that confession that he was convicted.

2 MR. TURNER: Your Honor, we offer 3686, which is
3 the Apostilled conviction record of Sharitah.

4 THE COURT: All right. It's received over
5 objection.

6 (Plaintiff Exhibit 3686 was admitted into
7 evidence.)

8 Q Now, in addition to -- let me back up one second. We
9 were looking at the ISA report and there was a reference to
10 the fact that Raddad was originally from Jordan. Is that
11 significant in terms of timing of the reporting of this
12 particular attack by Hamas?

13 A Yes, because the claim of responsibility by Hamas,
14 which included the name of Raddad, was issued five years
15 after the Allenby bombing.

16 Q Now, in addition to conviction records, did you also
17 have access to conviction records of Ibrahim Hamed at some
18 point in time?

19 A Yes, I did have access.

20 Q Did those records likewise assist you in either way,
21 either confirming or rejecting the notion that Hamas was
22 responsible for the Allenby attack?

23 A Yes, it helped me.

24 Q Now, did you also have an opportunity to investigate a
25 shooting attack on Route 60 that occurred in January of

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1 2003, that resulted in two people being injured?

2 A Yes, I did investigate that.

3 Q And were you able to, through the course of your
4 investigation, identify the terrorist involved in this
5 particular ambush?

6 A Yes, I was able to identify the two shooters.

7 MR. TURNER: May we display the slide?

8 Q During the course of your investigation, Mr. Shaked,
9 who did you identify as the shooters involved in this
10 particular attack?

11 A At the bottom of the page we can see the pictures and
12 names of Yasser Hamad and Farah Hamad, who were shooters,
13 and they're both members of the Silwad cell.

14 Q And during the course of this investigation, were you
15 able to determine whether the shooters carried out this
16 ambush or attack on their own or by and for Hamas?

17 A The attack was carried out for Hamas, by Hamas
18 operatives and directed by Hamas headquarters.

19 Q Would you describe for us Route 60, where it's located
20 and what route or route that particular road provides access
21 to within the West Bank and Jerusalem area?

22 A Highway 60 is the main longitudinal artery in the West
23 Bank. It goes from north to south and branches off in
24 various places in the east and to the west. It leads to
25 various village, towns and cities. It is also the road that

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1 the settlers mainly use when travelling from Jerusalem to
2 the north or to the south.

3 Q Let's go back to your slide for a minute and let's
4 focus on the lower group of photographs and the two people
5 on the end. We've talked about the shooters. What role did
6 Hamdan and Omar play in this particular attack?

7 A We have to bear in mind that a shooting attack is
8 different than a suicide bombing; in such a case, more
9 people are involved, there are the shooters and other people
10 as well. And so we have here on the right, Muayad Hamad,
11 and he was the get away driver. He is the one that drove
12 the car away from the site of the attack and Khaled Omar on
13 the right, he was the commander, the planner of the
14 operation as it was carried out.

15 Q What role did Hisham Hijazi play?

16 A He was the commander that coordinated between the
17 headquarters and the cell. He was the one that provided the
18 money and the weapons, and he also helped to plan the
19 operation.

20 Q And how about Jesser Barghouti?

21 A He was also senior commander in Ramallah. He was a
22 field commander. He obtained, supplied and transferred the
23 money and arms as well, and gave orders on how and what to
24 do.

25 Q Now, Sayd Qasem and Ibrahim Hamed, who are shown at the

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1 top two levels, are those individuals that we already
2 discussed?

3 A Yes, we've already discussed Ibrahim Hamed. He was the
4 commander of the military wing of Hamas in the Ramallah
5 area. And Sayd Qasem, who was his deputy, and he was his
6 operational officer as it were and oversaw the attack.

7 Q And finally, Murad Barghouti. What role did Murad
8 Barghouti play?

9 A There were a number of terror cells operating in this
10 area the role of Barghouti, Murad Barghouti was to be the
11 liaison between the various cells, in order to -- in the
12 Ramallah area in order to advance terror.

13 MR. TURNER: Would you please show the witness
14 3719.

15 Q Can you identify 3719?

16 A Yes, I did.

17 Q What is 3719?

18 A This is a document that tells the history of the cell
19 in the Ramallah area. It is taken from the official website
20 of Hamas.

21 Q And is the source of the document indicated on the
22 document?

23 A Yes. As you can see here on the source it says here
24 Izz ad-Din al-Qassam, the source appears in both English and
25 in Arabic.

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1 Q And did 3719 provide any information about the attack,
2 the shooting attack on Route 60 that occurred in January of
3 2003?

4 A Yes, it does.

5 Q Is this sometimes referred to as a special report?

6 A Yes, this is indeed a special report. That is,
7 dissimilar, unlike other reports, we're talking about a
8 different type of terror attack. Unlike the suicide
9 bombers, in this case, the perpetrators were apprehended and
10 were in prison in Israel. So this -- this is a special
11 report and it is longer than most of the others.

12 MR. TURNER: We offer 3719.

13 MR. INGERMAN: You've already excluded it, your
14 Honor.

15 THE COURT: I did.

16 MR. TURNER: Can I have the witness look at 3744,
17 please.

18 Q Can you identify 3744?

19 A Yes, I do.

20 Q And what is 3744?

21 A This is taken from the official website of Hamas. It
22 is the opening page. It gives detailed history of the
23 terror cell, but not only this particular cell that did the
24 shooting, but three others as well.

25 Q Now, we've talked thus far about the al-Qassam website,

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1 which is part of Hamas. Did Hamas also have a different
2 website?

3 A Hamas, in fact, had two official websites. One was the
4 political part of the political bureau, and the other
5 represented the military wing, but they were both official
6 sites.

7 Q What was the political wing's website called or
8 referred to?

9 A The political wing's website is called "Palestine Info"
10 and it represents the special information unit of Hamas.

11 Q And is 3744 from the Palestinian Information Center?

12 A Yes, it does.

13 Q Did it assist you in crosschecking the facts
14 surrounding the Route 60 shooting?

15 A Yes, it did. As I noted, a lot of details were given
16 in it.

17 MR. TURNER: We offer 3744 as redacted.

18 THE COURT: Okay. Consistent with my earlier
19 ruling, it's admitted over objection.

20 (Plaintiff Exhibit 3744 was admitted into
21 evidence.)

22 MR. TURNER: Could you also put before the
23 witness, 3893.

24 MR. INGERMAN: Your Honor, can we have a quick
25 sidebar on this?

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THE COURT: Sure.

(Continued on the next page for sidebar.)

SIDEBAR CONFERENCE

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1 (Sidebar conference begins.)

2 THE COURT: What's the problem? Everything is out
3 except the picture and the end.

4 MR. INGERMAN: Well, let me just show you, your
5 Honor.

6 THE COURT: Everything was out below the picture
7 and starting -- picking up here right.

8 MR. INGERMAN: Above the picture it says, the
9 imprisoned --

10 THE COURT: I took it out.

11 MR. INGERMAN: But why?

12 THE COURT: You want it in?

13 MR. INGERMAN: Yes.

14 THE COURT: But you didn't tell me that before.

15 MR. INGERMAN: Well, you said everything below the
16 picture was going to be redacted.

17 THE COURT: I see. I see. Do you have any
18 objection by the plaintiff in unredacting those two lines?

19 MR. OSEN: No. If the jury doesn't have it yet,
20 we'll make it.

21 THE COURT: We'll give it to the jury.

22 MR. INGERMAN: Thank you.

23 (End of sidebar conference.)

24 (Continued on the next page.)

25

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1 THE COURT: All right. Let's proceed.

2 MR. TURNER: Please show the witness 3893.

3 Q Can you identify 3893?

4 A Yes.

5 Q What is 3893?

6 A It is a document of the Izz ad-Din al-Qassam Martyrs
7 Brigade taken from the official website of Hamas in which it
8 details the earlier attacks that we are discussing here.

9 Q And did 3893 assist you in reaching the conclusions
10 that you did about Hamas' role in the attack on Route 60 in
11 January of 2003?

12 A Indeed, it is another document that helped me
13 crosscheck the material and to determine my opinion.

14 MR. TURNER: We offer 3893.

15 THE COURT: Mr. Turner, how come you're offering
16 documents that I've excluded?

17 MR. TURNER: My note didn't say that. I
18 apologize.

19 THE COURT: All right. Well, check again tonight,
20 but that's excluded.

21 MR. TURNER: Show the witness 3741, please.

22 Q Can you identify 3741?

23 A Yes, I do.

24 Q What is 3741?

25 A It is the verdict that was handed down against Muayad

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1 Hamad, a member of the shooters cell living in Silwad.

2 Q And what was the result of the conviction?

3 A He pled guilty and was sentenced to life sentence.

4 MR. TURNER: We offer 3741 as Apostilled.

5 THE COURT: All right. That's received over
6 objection.

7 (Plaintiff Exhibit 3741 was admitted into
8 evidence.)

9 Q Did you also have an opportunity to investigate the
10 bombing of Bus 37 in Haifa in March of 2003?

11 A Indeed.

12 Q Were you able to conclude who was responsible for that
13 particular bombing?

14 A Yes.

15 MR. TURNER: May we display the slide?

16 THE COURT: Yes.

17 Q Could you please identify who you determined was the
18 suicide bomber involved in this particular attack on Bus 37?

19 A At the very bottom center of the slide you can see the
20 picture of Mahmoud Qawasmeh who carried out the attack on
21 Bus 37 in Haifa.

22 Q And what did your investigation reveal about Qawasmeh?

23 A Qawasmeh was a Hamas operative, a student at the
24 University of Hebron. He studied computers and was
25 recruited to Hamas. And on behalf of Hamas, went out and

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1 carried out the attack in Haifa.

2 Q And were you able to determine whether or not Qawasmeh
3 was acting on his own or was he acting for Hamas in carrying
4 out the suicide attack on Bus 37?

5 A Qawasmeh carried out the attack on behalf of Hamas, as
6 Hamas, member for Hamas.

7 Q Back in 2003 where was Haifa and what was Bus 37?

8 A Haifa is a port city in Israel. It is located in the
9 northern part of the country. It is located on the slopes
10 of a mountain. And in trying to compare it to anything
11 here, then you can envision San Francisco, you can see the
12 mountain and the port. And Bus 37 was one of the most
13 central bus lines commuting from downtown Haifa all the way
14 up to the University of Haifa, which is a very large
15 university. So many students would commute by this
16 particular bus line.

17 Q How many people were killed and injured in this
18 particular attack?

19 A 17 people were murdered in this terror attack and 53
20 were injured.

21 Q What role did Ali Alan play in this attack?

22 A Ali Alan was the commander of Hamas organization in the
23 southern area of the West Bank. He was the one to command
24 that terror attack. He was the one who built the explosive
25 charge that was assembled on the explosive belt that was

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1 fitted on the suicide bomber.

2 MR. TURNER: Would you show the witness 3755,
3 please.

4 Q Can you identify 3755?

5 A Yes, I can identify it.

6 Q What is 3755?

7 A It is the official claim of responsibility by Izz
8 ad-Din al-Qassam brigade -- al-Qassam Martyrs Brigade, the
9 military wing of Hamas, claiming responsibility for the
10 attack carried out in Bus 37 Haifa, including the name of
11 the suicide bomber.

12 MR. TURNER: We offer 3755.

13 THE COURT: I'm confused on the number. Let's
14 have a sidebar.

15 (Continued on the next page for sidebar.)
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SIDEBAR CONFERENCE

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1 (Sidebar conference begins.)

2 THE COURT: 3775. I think so. What's ambiguous
3 is that you asked him about a claim of responsibility, but
4 you showed him the conviction document in Hebrew. He
5 answered with what you wanted to show him, not what he was
6 looking at. So you -- I don't know where you are, but what
7 you were showing him was the conviction document, not the
8 claim of responsibility.

9 MR. OSEN: I think that popped up after the
10 question.

11 THE COURT: Really?

12 MR. TURNER: Yeah, there were two.

13 THE COURT: So he looked at it and then looked
14 away and then another document came in.

15 MR. TURNER: I had the number wrong, it was 3775.

16 THE COURT: Yeah, it's 3775. Okay. So I think
17 what happened is I think he heard the wrong number and
18 switched it to the wrong document when he heard the wrong
19 number. Straighten it out.

20 MR. OSEN: Okay.

21 (End of sidebar conference.)

22 (Continued on the next page.)

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1 MR. TURNER: Okay let's back up. May I proceed?

2 THE COURT: Yes.

3 BY MR. TURNER:

4 Q Let's back up let's put up 3775. Can you identify
5 3775?

6 A Yes, I can.

7 Q And what is 3775?

8 A It is the official claim of responsibility by Izz
9 ad-Din al-Qassam Brigade, the military wing of Hamas
10 concerning the terror attack on Haifa Bus 37, which includes
11 the name of the suicide bomber, Mahmoud Qawasmeh.

12 MR. TURNER: We offer 3775.

13 THE COURT: That's received over objection.

14 (Plaintiff Exhibit 3775 was admitted into
15 evidence.)

16 Q Were you also able to access the Israel Security Agency
17 report reporting on the investigation of this particular
18 attack on Bus 37?

19 A Yes.

20 MR. TURNER: May we display 3811, which is in
21 evidence, at least the portion related to Bus 37.

22 Q Was Qawasmeh identified by the Israel Security Agency
23 as the suicide bomber?

24 A Yes, indeed so.

25 Q And did this assist you in reaching your conclusions?

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1 A Of course it did help me crosscheck the information I
2 had.

3 Q Now, in addition to those two pieces of information,
4 did you also have access to court records, convictions of
5 some of the individuals involved in this terror attack?

6 A Yes.

7 MR. TURNER: Put 3755 up this time, please.

8 Q Can you identify 3755? What is 3755?

9 A This is the verdict against one of the terrorist that
10 was involved in the terror attack on Bus 37, and he was
11 sentenced to 17 life sentences.

12 Q And what was his name?

13 A Can you please move it up or down a bit, so I can see.
14 I do not want to be mistaken about the name. The other
15 side. As I told you, it was Fadi al-Ja'aba.

16 MR. TURNER: We offer 3755.

17 THE COURT: Received over objection.

18 (Plaintiff Exhibit 3755 was admitted into
19 evidence.)

20 MR. TURNER: Show the witness 3756, please.

21 Q Can you identify 3756?

22 A Yes, I can.

23 Q What is 3756?

24 A This is the verdict against Munir Rajbi, member of
25 Hamas cell who participated in preparing the terror attack

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1 on Bus 37.

2 MR. TURNER: We offer 3756.

3 THE COURT: That's the Apostilled document?

4 MR. TURNER: Yes, sir.

5 THE COURT: All right. That's received over
6 objection.

7 (Plaintiff Exhibit 3756 was admitted into
8 evidence.)

9 MR. TURNER: And 3754, please.

10 Q Can you identify 3754?

11 A Yes.

12 Q What is 3754?

13 A This is the verdict against another terrorist whose
14 name is Mu'az Abu Sharakh, who also participated in
15 preparing the terror attack.

16 (Continued on the next page.)

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1 MR. TURNER: We offer 3754

2 THE COURT: All right. Received over objection.

3 (Plaintiffs' Exhibit 3754 received in evidence.)

4 BY MR. TURNER:

5 Q In addition to those sources of information,
6 Mr. Shaked, did you likewise have available to you a will
7 from Qawasmeh that was prepared prior to the attack?

8 A To the best of my recollection, Mr. Mahmoud Qawasmeh
9 wrote a will, but I did not see it.

10 Q Did you have access to any memorialization materials
11 created by Hamas memorializing Qawasmeh's act in bombing bus
12 37 in Haifa?

13 A Yes, indeed.

14 Q Did you have an opportunity to investigate the shooting
15 attack that occurred in Kiryat Arba in March of 2003?

16 A Yes.

17 Q Were you able to determine during the course of your
18 investigation who was involved in that terror attack?

19 A Yes. Two members of Hamas were involved in this terror
20 attack, Hazem al-Qawasmeh and Muhsin al-Qawasmeh.

21 MR. TURNER: May we display the slide.

22 BY MR. TURNER:

23 Q Where is or was Kiryat Arba at the time of this terror
24 attack?

25 A Kiryat Arba is a settlement bordering with Hebron.

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1 Q Was this a significant area in terms of the attack
2 geographically?

3 A Yes. Because the access from the sea of Hebron to
4 Kiryat Arba, despite the security means used, is very easy.

5 Q Did your investigation determine how many shooters were
6 involved in this particular attack?

7 A Yes, I did reach a conclusion.

8 Q And was there one location -- okay. Go ahead and give
9 us your conclusion.

10 A My conclusion was that two Hamas members, whose names I
11 mentioned, carried out the attack in Kiryat Arba.

12 Q And was there one location for the shooting or two?

13 A On that very same evening, at the very same time, at
14 the very same hour, in exactly the same timing, Hamas
15 carried out two attacks. One was in Kiryat Arba east of
16 Hebron and the second one was in a place called Negohot,
17 west of Kiryat Arba. In other words, two attacks that
18 happened simultaneously by four terrorists.

19 Q Now, in the context of this particular attack, you have
20 two other individuals listed on here: Basel al-Qawasmeh and
21 Abdallah abu Seif.

22 What was their roles in this attack?

23 A Basel al-Qaawasmeh was one of the senior commanders of
24 Hamas from the military wing in Hebron. He was a senior
25 commander, and he was the one to bring the explosive vest to

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1 one of the terrorists in this attack to instruct and guide
2 and issue the instructions for the execution of the attack.

3 Abdallah abu Seif, on the other hand, was another
4 senior member of Hamas in Hebron. He was the one leading
5 the two terrorists toward their target in Kiryat Arba.

6 MR. TURNER: Show the witness 3781.

7 THE COURT: Before you do that, can you go back to
8 the slide for a minute. I just want to ask the witness.

9 Why is there no picture of Seif?

10 THE WITNESS: We were unable to obtain a clear
11 picture that wasn't blurred.

12 THE COURT: Thank you.

13 MR. TURNER: 3781. Witness only, please.

14 BY MR. TURNER:

15 Q Can you identify 3781, Mr. Shaked?

16 A Yes, I can.

17 Q And what is 3781?

18 A This is the official claim of responsibility taken by
19 or made by Hamas' Izz al-Din Al-Qassam Martyrs Brigade,
20 which is its military wing for the attack in Kiryat Arba.

21 MR. TURNER: We offer 3781.

22 THE COURT: All right. That's received over
23 objection.

24 (Plaintiffs' Exhibit 3781 received in evidence.)

25 BY MR. TURNER:

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1 Q Did 3781 help you conclude who was responsible for this
2 terror attack on behalf of Hamas?

3 A Yes. I'd like to note that it did indeed help me.

4 MR. TURNER: Show the witness 3797, please.

5 BY MR. TURNER:

6 Q Can you identify 3797?

7 A Yes, I do.

8 Q And can you generally describe what 3797 is?

9 THE COURT: Generally.

10 This didn't sound general. Let's see.

11 A This is a document issued by the Prime Minister's
12 office that describes the terror attack that was held in
13 Kiryat Arba. It describes the attack, how it was carried
14 out, and who was hurt.

15 THE COURT: Okay.

16 BY MR. TURNER:

17 Q Did that information assist you in crosschecking what
18 you already knew from the claim of responsibility?

19 A Yes, it did.

20 MR. TURNER: Would you show the witness 4777,
21 please.

22 BY MR. TURNER:

23 Q Can you identify 4777?

24 A Yes, I do.

25 Q What is 4777?

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1 A This is the verdict and sentence regarding the deeds of
2 Muhammad Abu Seif.

3 Q Did this conviction relate to this attack?

4 A Excuse me. Abdallah Abu Seif.

5 Q Does this conviction relate to this attack?

6 A Yes. It relates to one of the terrorists involved
7 whose name I just mentioned, Abdallah Abu Seif.

8 Q Is Abdallah Abu Seif the one that we did not have a
9 photograph for?

10 A Yes, indeed, that's the man.

11 MR. TURNER: Show the witness 3789 as well,
12 please.

13 BY MR. TURNER:

14 Q Do you recognize 3789?

15 A Yes, I can identify this document.

16 Q And what is 3789?

17 A Yes. This is a page from the Web site of Izz al-Din
18 Al-Qassam Martyrs Brigade, the military wing of the Hamas.
19 And it is devoted to one of the terrorists involved in the
20 terror attack in Kiryat Arba. It tells his life story and
21 the story of the terror attack as told by Hamas.

22 Q And in addition to these sources of information, did
23 you likewise have available any memorializations prepared by
24 Hamas glorifying this conduct?

25 A Yes, I did. I had a number of posters that were

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1 distributed throughout the city of Hebron.

2 Q Did you have an opportunity to investigate the suicide
3 bombing that occurred at a place called Mike's Place in Tel
4 Aviv in April of 2003?

5 A Yes, I did.

6 Q And were you able to identify the suicide bombers
7 involved in this particular attack?

8 A Yes, I was able.

9 MR. TURNER: May we display the slide?

10 BY MR. TURNER:

11 Q Who were the suicide bombers involved in carrying out
12 the attack at Mike's Place that resulted in three deaths and
13 50-plus reported injuries?

14 A The two suicide bombers were British citizens of
15 Pakistani origin. One was named Asif Hanif and the other
16 was named Khan Sharif. And they both arrived in Israel and
17 were sent to carry out the terrorist attack.

18 Q Tell us a little bit about Mike's Place. What was
19 Mike's Place back in 2003 in Tel Aviv and where was it
20 located?

21 A Mike's Place was one of the more popular jazz clubs
22 located in Tel Aviv. It's located near the main promenade
23 of the Tel Aviv beach just meters away or yards away from
24 the American Embassy in Israel. It's located in a very busy
25 place, and at night many young people come to the club to

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1 hear live jazz music being played.

2 Q Did your investigation give you any background
3 information on how Hanif and Khan, the two terrorists, made
4 it into Israel?

5 A Yes, they did.

6 Q What did you learn during the course of your
7 investigation about these two terrorists?

8 A These were two members of the British mujahideen
9 organization. They had decided to come to the Middle East
10 to help the Islamic organizations fighting in it, especially
11 Al-Qaeda. They arrived in Syria and after they were unable
12 to reach Iraq, they made contact with Islamic operatives in
13 Damascus, and they received a new target in the territories.

14 They were equipped with very sophisticated plastic
15 explosives which they hid between the pages of a Koran book.
16 They arrived in Israel via the Allenby Bridge. They visited
17 in Jerusalem and in Tel Aviv. They arrived in Gaza where
18 they met with members of Hamas. And there they received the
19 orders or the authorization from the headquarters to carry
20 out the terror attack.

21 They returned to Tel Aviv and late at night they
22 entered the Mike's Place jazz club. One of them blew
23 himself up in it. The other escaped and later his body was
24 retrieved from the ocean.

25 Q Were you able to determine during the course of your

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1 investigation whether both terrorists were equipped with
2 bombs or whether only one of them had a bomb?

3 A One of the terrorists was equipped with the explosive
4 materials that I described earlier that was hidden within
5 the pages of a Koran book and the other had an explosive
6 belt.

7 Q And during the course of your investigation, were you
8 able to determine one way or the other whether the bomb that
9 did not detonate failed to detonate by mistake or did the
10 terrorist change his mind and run away?

11 MR. INGERMAN: Objection, your Honor.

12 THE COURT: Sustained.

13 BY MR. TURNER:

14 Q Were you able to determine -- you can't answer that.

15 Were you able to determine during the course of your
16 investigation why the second bomb did not detonate?

17 A Yes. In my assessment and based on information I
18 collected, the second bomb did not blow up for technical
19 reasons. That was the reason it did not blow up.

20 Q Now, in looking at the photograph, do you recognize
21 this photograph from other sources?

22 A I've seen this photograph in many places, not only on
23 the Web site of Hamas.

24 Q Now, there's a reference to a poster of Ibrahim
25 al-Maqadma. Do you know who Ibrahim al-Maqadma was back in

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1 2002, 2003?

2 A Yes, I know who Ibrahim al-Maqadma is.

3 Q Who?

4 A Ibrahim al-Maqadma was one of the founders of Hamas
5 together with Sheikh Yassin. He was responsible for Hamas'
6 military -- for the connection between the military wing and
7 the political wing of Hamas. Because of his activities in
8 Hamas, he was eliminated by Israel in 2002. We see him here
9 in the poster that was issued in his memory by Hamas.

10 I would like to add that in the poster, we can see that
11 the terror attack that these two men are about to carry out
12 is going to be held in honor of the memory of.
13 Ibrahim al-Maqadma.

14 Q How can you tell that?

15 A I know this based on a statement issued by Hamas a year
16 after the terror attack carried out by these two men at
17 Mike's Place.

18 Q And was that statement made on a particular
19 anniversary?

20 A Yes.

21 Q And what was the anniversary of?

22 A It was on the anniversary of Maqadma's death.

23 Q Now, is there any significance in trying to determine
24 Hamas' role in this particular attack at Mike's Place to the
25 green banner these two gentlemen are standing in front of?

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1 A Of course. It's the green, the green color of the
2 Hamas flag. That is the main symbol of Hamas, the color
3 green. We can see it in the flag. We can see it in the
4 headband they are wearing on their forehead. And we can see
5 it also in the background of the picture of Maqadma.

6 Q And what are these two terrorists holding, in addition
7 to the rifles?

8 A In addition to the rifle each is holding, they are
9 holding a book of the Koran.

10 MR. TURNER: Show the witness 3807, please.

11 BY MR. TURNER:

12 Q Can you identify 3807?

13 A Yes, I do.

14 Q What is 3807?

15 A This is an official claim of responsibility made by
16 Hamas' Izz al-Din Al-Qassam Martyrs Brigade. It's a
17 military statement from Izz al-Din Al-Qassam regarding the
18 terror attack at Mike's Place.

19 MR. TURNER: We offer 3807.

20 THE COURT: In light of the objection, do a better
21 foundation for it.

22 BY MR. TURNER:

23 Q What is the source of 3807?

24 A The source is the official Internet Web site of Izz
25 al-Din Al-Qassam Brigade, which is the military wing of

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1 Hamas.

2 MR. TURNER: We offer 3807.

3 THE COURT: All right. It's received over
4 objection.

5 (Plaintiffs' Exhibit 3807 received in evidence.)

6 BY MR. TURNER:

7 Q Did 3807 help you reach the conclusion that Hamas was,
8 in fact, responsible for the bombing at Mike's Place?

9 A Indeed, it was.

10 MR. TURNER: Show the witness 3812, please.

11 BY MR. TURNER:

12 Q Do you recognize 3812?

13 A If you can blow it up a bit.

14 Yes, I can identify it.

15 Q What is 3812?

16 A It is the claim or announcement made by Izz al-Din
17 Al-Qassam Brigade concerning the terror attack in Mike's
18 Place, including the names of the two perpetrators of the
19 attack.

20 Q Is this the same document that you were referring to
21 earlier that was issued on the anniversary of Maqadma's
22 death?

23 A If you can put it up a bit.

24 No, it is not the same document.

25 Q Did this one come -- what was the source of 3812?

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1 A Is this the document that I'm seeing here (indicating)?

2 Q Yes, I'm sorry.

3 A The official Web site of Izz al-Din Al-Qassam. This is
4 the official Web site of Hamas.

5 Q And did 3812 assist you in crosschecking information
6 that you were provided and made available in determining
7 Hamas' role in this particular attack?

8 A Yes, it did help me determine the role of Hamas in this
9 terror attack.

10 MR. TURNER: We offer 3812.

11 MR. INGERMAN: Same objection.

12 THE COURT: Well, let's have a sidebar.

13 In fact, it's probably a good breaking time. So
14 rather than keeping the jury for our sidebar and breaking,
15 let me send them home.

16 Ladies and gentlemen, don't discuss the case
17 amongst yourselves or with anyone else. Don't do any
18 research. Don't look on Google or any other site. Keep it
19 to yourself. Don't even think about it till you get back
20 here tomorrow morning. Stay away from any news reports.

21 Have a good night.

22 (Jurors exit the courtroom.)

23 THE COURT: Okay. Be seated.

24 I'm not as familiar with this document as I am
25 with the other one so I'm going to look at it overnight.

PROCEEDINGS

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1 MR. TURNER: May he be excused?

2 THE COURT: Sorry. You may all step down.

3 (Witness exits the courtroom.)

4 THE COURT: So I'll look at it overnight. It's
5 probably going to be admitted over the objections that have
6 been previously made. But it caught me a little off guard
7 and it was time to break in the day anyway.

8 Anything else we need to take up?

9 MR. WERBNER: Your Honor, are we going to be in
10 session on Friday, September 5th? You had mentioned that
11 possibility.

12 THE COURT: I hope to be. I was going to poll the
13 jury on Thursday and see if they had any real problems with
14 it. If not, then my intention is to do that, especially
15 since this witness is taking longer than I anticipated.

16 Does that pose a hardship for anyone?

17 MR. WERBNER: No. I'd like to be in session. But
18 if we are, I was going to try to -- I need to make some
19 travel plans. So if I know Thursday, that's fine. Sooner
20 would be good as well.

21 THE COURT: All right. Why don't I instead of
22 waiting till Thursday, we'll talk to the jurors. I'll have
23 Ms. Clarke talk to the jurors tomorrow morning and see if
24 any of them have a problem on September 5th. If they don't,
25 then we'll sit on that day.

PROCEEDINGS

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1 MR. WERBNER: Thank you.

2 THE COURT: Have a good night.

3 MR. OSEN: Your Honor, as you may recall, we filed
4 our letter last night.

5 THE COURT: Yes.

6 MR. OSEN: The defendant has not yet responded to
7 it.

8 THE COURT: I thought -- on 7, 8 and 9?

9 MR. OSEN: Yes. They filed a letter saying that
10 they would respond --

11 THE COURT: Oh.

12 MR. OSEN: -- sometime today or whenever, but not
13 last night. And I only asked about it because the folks
14 from IT who have to cut the tapes are then put under a lot
15 of pressure. And we'd like it to be as smooth as possible.

16 THE COURT: What time will we have the objections?

17 MR. OSEN: It's not the objections, your Honor.
18 It's their response.

19 THE COURT: Counter-designation?

20 MR. OSEN: I'm sorry. Let me back up a second.

21 THE COURT: Okay.

22 MR. OSEN: They filed their counters. We objected
23 yesterday and filed a letter itemizing, detailing our
24 objections to the counters. And they have not responded yet
25 to that letter about our objections.

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1 THE COURT: To their counters?

2 MR. OSEN: Correct.

3 THE COURT: I understand.

4 MR. INGERMAN: Your Honor, we had a letter ready
5 to go and then you issued an order this morning. That order
6 impacts some of the issues that the plaintiffs raised in
7 their letter. So we're just reworking the letter to take
8 that into consideration.

9 We can get it on file by 7:00, if that's okay.

10 THE COURT: That's great.

11 MR. INGERMAN: Thank you.

12 THE COURT: Thank you all. See you tomorrow.

13 MR. WERBNER: Good night.

14 (Time noted: 4:19 p.m.)

15 (Proceedings adjourned until Wednesday, August 27,
16 2014, at 9:30 a.m.)

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WITNESS

PAGE

RONNI SHAKED

DIRECT EXAMINATION (CONTINUED) BY

MR. TURNER

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